Policy Change: Reservation in India

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Abstract

The Caste System is an institution that has existed in India for over 3,000 years, despite being outlawed in 1950. The purpose of this thesis is to understand how the public administration has been working against the Caste System through public policy. Therefore, this thesis answers the following research question: "how and why has the policy of Reservation in India changed since adoption in 1950?". Analysing change in the Reservation policy allows us to understand the change and continuity within this policy, and thereafter propose modifications to the policy.

This thesis operates in an interpretivist paradigm and takes a historical perspective to the analysis. The analysis analyses the constitution through the method of public policy analysis. Historical institutionalism is used as the leading theory to shed light on the reasons behind the policy change. The primary concepts used are Kingdon's three streams, path dependence, critical junctures and punctuated equilibrium. Concepts of power, agency and intersectionality are borrowed from feminist institutionalism to supplement the analysis to identify and analyse the actors of the policy.

The analysis begins by identifying the agenda-setting and policy formulation of Reservation in 1950 and compares it with the policy formulation in 2021 to determine significant changes and continuities. These changes are the creation of new categories and administrative bodies. The basic structures, tools and formulations of the policy have remained the same. Next, these policy changes and continuities are analysed through public policy analysis, historical institutionalism and supplementary concepts.

The findings show that although Reservation has changed in terms of its time scope, the Caste list, quotas, new categories, commissions, etc., it has also remained relatively stagnant; no additional instruments are introduced, the operational

elements have not been updated, and the policy has not been updated in these terms since 1980. This thesis ascribes the change and continuity to path dependence, the pervasiveness of informal institutions and a lack of critical junctures to combine problems, politics and policies to create policy change. This thesis also predicts that a policy change may occur in the future as the inefficiency of the policy is resulting in tension.

Keywords: Caste System, Reservation, public policy analysis, institutionalism

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1. Introduction

The Indian Caste System is infamous for its enduring legacy (Thapa, 2015, p. 1). This system has survived for ca. 3,500 years, originating in the Vedic period, ca 1,500 BCE and persisting in contemporary Indian society (Bidner & Eswaran, 2014, p. 2, p. 28). Although the idea of the Caste System has existed for more than 3,000 years, it has changed and evolved with time and under different regimes (Bayly, 2008, p. 1). Nonetheless, fundamentally, the Caste System is a social stratification system that divides the Indian society into castes or *varna* in Hindi (Thapa, 2015, p. 1).

Thapa (2015) explains that the notion of the Caste System originated within Hinduism and therefore applies to Hindus and divides the society based on "differences of wealth, inherited rank or privileged profession, occupation or race" (p. 1). The four varnas are Brahmins (priests and scholars), Kshatriyas (warriors and rulers), Vaishyas (merchants) and Shudras (labourers). Below these four castes lie the Dalits, who were considered so low that they are outside of the Caste System, called *avarna* or "untouchable" (Thapa, 2015, p. 1; Bayly, 2008, p. 311).

When the Republic of India, the country as we know it today, was officially formed in 1950, the Caste System and the practice of untouchability were outlawed (Bayly, 2008, p. 269). After gaining independence from the British Empire in 1947, India issued its constitution in 1950 declaring itself to be a "sovereign, socialist, secular, democratic republic" as well as promising "justice (...), liberty (...), and equality (...)" to its citizens (Government of India, Constituent Assembly of India, 1949 (hereafter Government, 1949), p. 1). Yet, the Caste System clearly persists in Indian society; caste-based violence continues (Equality Now, 2020), most marriages are endogamous (Naik, 2020), upper castes tend to dominate public and private sectors (Mosse, 2018, p. 428), etc.

Since 1950, the Indian government has put forth measures to combat the caste system, and the most prominent and controversial measure is the affirmative action policy called Reservation (Mosse, 2018, p. 424). Reservation is a system that seeks to provide groups that have been historically discriminated against with fair representation in society by setting fixed quotas within the public sector, specifically within education and employment (de Zwart, 2000, p. 235). However, this system has

been criticised often, both by the upper and lower castes. The upper castes have protested that the government and this policy disregards merit and functions based on vote-bank politics (pleasing a group to secure their votes) (Mosse, 2018, p. 242). Lower-castes have complained that the government has not monitored or controlled Reservation effectively (de Zwart, 2000, p. 245).

It has been 70 years since the Caste System was declared illegal, and the Reservation policy was implemented to combat the casteist norms and values entrenched in Indian society. However, as can be seen from the summary of the evidence above, this has not been the case. Therefore, in this paper, I will analyse the policy of Reservation from a historical perspective to understand how the government and public administration have managed this policy in India. I will investigate this through public policy analysis and historical institutionalism.

By delving into how and why Reservation has changed since its adoption in 1950, we can understand the change and continuity within this policy. Furthermore, by analysing this policy through historical institutionalism, we can understand the historical path dependencies and persistence of the Caste System as an institution, as well as its interaction with the informal institutions of India. This analysis will provide a foundational understanding of the Reservation policy and action against the Caste System in India from 1950 to the present, which is an essential step in improving caste policies or proposing new ones. Thus, in this paper, I will be answering the following research question: "How and why has the policy of Reservation in India changed since its adoption in 1950?"

In Section 2, I will provide an overview of the existing literature on the Caste System and Reservation to determine the research gap that my thesis works with. Section 3 will explain the methodology used in this paper, focusing on the philosophy of science, research design, empirical data and critical considerations. In Sections 4 and 5, I will describe and critically examine the method and theory used in the analysis. In Section 6, I will provide a contextual background of this topic, covering the historical origins of the Caste System and Reservation, as well as major developments. Section 7 will analyse the empirical data through the theories and methods to answer the research question. In Section 8, I will discuss my findings in

reference to their relevance and importance, as well as conclude this thesis by providing an overview of the purpose, analytical approach and findings.

2. Literature Review

This literature review will provide a summary and critical evaluation of previous research conducted on the topic of the Caste System and Reservation in India. I will begin by outlining prominent research conducted on the general topic of the Caste System and describing the stances taken by academics over the years. However, as the primary focus of this paper is Reservation in India, I will not be providing a detailed overview of research on the Caste System. Through this, I aim to present the research gap that is the basis for my topic and research question, as well as provide an understanding of my topic.

2.1 The Caste System

The Caste System has been studied by countless scholars over the years, most of whom have focused on conceptualising the Caste System. In the 1700s, theories about Caste and the Caste System were primarily shaped by Brahmanical and religious accounts, and based on ancient scriptures (Metcalf & Metcalf, 2006, p. 59). In the 1950s, sociologists began to consider empirical data and fieldwork in relation to Caste (Bayly, 2008, p. 12). Several scholars have also considered the impact of colonialism, modernity and social change on the Caste System (Garalyte, 2017, p. 114). Over the next few paragraphs, I will describe the primary ideas of these different methodologies and schools of thought.

Scholars largely tend to fall into two groups, those believing the Caste System to be a unique Hindu phenomenon, and those believing that these systems can be observed internationally and cross-culturally. Scholars who focused on ancient scriptures, most prominently the Vedas, especially the Rigveda, viewed the Caste System as a unique Hindu social construct and a passively religious system of social stratification. Their accounts were mainly speculative history of rituals and customs (Subedi, 2013, p. 55).

In the 1950s, M. N. Srinivas began to study the Caste System through fieldwork and observation in villages and evaluated this empirical data to understand the Caste System (Garalyte, 2017, p. 119). In doing so, he undermined traditional caste stereotypes and theorised secular elements and the concept of social mobility in relation to the Caste System (Garalyte, 2017, p. 120). Srinivas did not consider the Caste System to be a unique Hindu phenomenon, but rather a structural phenomenon that could be compared with other societies (Garalyte, 2017, p. 119).

Celestin Bougle was one of the first scholars to define the Caste System, and his definition focused on three notions; repulsion, hierarchy and hereditary specialisation (Subedi, 2013, p. 55). Louis Dumont, a controversial yet acclaimed scholar, built upon this definition (Subedi, 2013, p. 55). Dumont argued that the Caste System should be viewed as a Hindu social construct unique to India and Hindus. He claimed that this phenomenon could not be studied via empirical data because of its Hindu essence, and therefore must be evaluated through ancient scriptures (Subedi, 2013, p. 57).

As he worked with the structural approach, which focuses on understanding social reality through ideas of binary opposition, he explained the Caste System through the purity and pollution dichotomy (Subedi, 2013, p. 58). He argued that the Caste system was a cultural phenomenon, which could be explained entirely by wanting to separate notions of purity and impurity in society through marriage, eating habits, etc. (Subedi, 2013, p. 55, p. P. 58). Dumont was criticised as his theory was based primarily on Brahmanical texts and his explanations were perceived as too simple (Bayly, 2008, p. 16). Furthermore, scholars have claimed that he ignored the political perspective as well as power relations in regards to the Caste System (Subedi, 2013, p. 59-60).

Nicholas Dirk and Bernard Cohn have argued that although the British empire and colonialism did not invent the Caste system, they used it as a means of organisation and control, and thereby redefined it (Garalyte, 2017, p. 124). Other scholars, notably Dalit researchers and colonial historians, have argued that the Caste System is based on power relations and social and political bases, especially in contemporary India (Garalyte, 2017, p. 124). Gerald Berreman similarly claimed that

many explanations of the Caste System can be seen as an explanation of inequality (Subedi, 2013, p. 54).

Susan Bayly (2008) claims that although the idea of the Caste System has existed for millennia, the contemporary understanding of Caste has been shaped by political and social developments (p. 4). Bayly views caste as simultaneously shaping other Indian institutions as well as being influenced by political and social developments (Bayly, 2008, p. 367). She makes this point by analysing the intentional and unintentional perpetuation of the Caste System by different regimes in India (Bayly, 2008, p. 268).

To summarise, prominently, scholars have debated whether the Caste System is a cultural phenomenon specific to India or a structural phenomenon that can be seen in other societies as well. A variety of different methodologies have been used to study the Caste System, notably analysing scriptures, empirical fieldwork and historical perspectives. Lastly, the Caste System has been viewed through the lens of colonialism, modernity and social change, with the majority of scholars arguing that the contemporary Caste System has been shaped by political and social developments.

To conclude on this brief overview, the Caste System does not fit neatly into a theory and scholars tend to incorporate elements from different approaches in their explanations. In Section 3, I will elaborate on the paradigm and approach chosen in this thesis, and in Section 6, I will provide definitions of important terms for the purposes of this paper.

2.2 Reservation and the Caste System

Reservation in India is the oldest affirmative action policy system to exist and has received some attention from scholars (The Economist, 2013). This policy aims to provide historically disadvantaged groups in India with more representation, specifically within education, employment and policies, by reserving seats, called quotas, within these sectors. These seats require lower qualifications (Bayly, 2008, p. 272).

Most scholars comment on Reservation when addressing the Caste System, as it has defined Caste in India for the past 70 years. However, some scholars have

studied Reservation specifically as well. In this section, I will outline the most prominent research and analysis conducted on Reservation.

Pani & Iyer (2015) conducted research on the categories identified in Reservation (Scheduled Caste, Scheduled Tribes and Other Backward Classes), and decided to create a framework to "determine dominance-based caste hierarchies" (p. 48). In doing so, they concluded that we need to link conceptual and empirical understanding of castes, as well as legal/political understandings of caste with sociological understandings in order to create better categories for Reservation (Pani & Iyer, 2015, p. 69). Through their one-state study, they concluded that while reserving seats/quotas at a national level works, identifying disadvantaged castes would be more effective at a local level as caste placements vary regionally and locally (Pani & Iyer, 2015, p. 69).

Chalam's (2007) book entitled "Caste Based Reservations and Human Development in India" aims to analyse empirical data about Reservation and the policy itself to determine its usefulness and impact (p. 21). Chalam comments that there are few studies regarding reservation and development, and concepts such as affirmative action, quotas, diversity, etc. are used vaguely which negatively impacts the policy of Reservation as well as discourse surrounding it (Pai, 2021). Chalam views caste as a power structure of privilege in India through which the elite class dominates, and the lower castes remain at the bottom despite comprising 50% of the labour force (Chalam, 2007, p. 30)

Using governmental data regarding education, Chalam (2007) asserts that disadvantaged castes are disproportionately uneducated and unemployed and he proposes more access to education as a solution (pp. 102 - 104, p. 41). Chalam concludes that although Reservation has not abolished the Caste System as notions of caste are recreated consciously and unconsciously in the Indian society, he does admit that Reservations has helped provide voice and agency for disadvantaged groups (Chalam, 2007, p. 168). In his last chapter, Chalam (2007) proposes that the system should be changed, shifting from reservation for the lower castes to proportional representation for all castes (p. 182).

Frank de Zwart (2000) claims that Reservation and affirmative action has only reinforced the Caste System, and considers Reservation in terms of identity creation

(p. 235). He explains that there are limits to the creation of identities, and although the government aimed to create group identities for disadvantaged groups (e.g. "Other Backward Classes" (OBC)), they did not succeed. (de Zwart, 2000, p. 246). With this, he claims that while "castes" and "sub-Castes" are legitimate identities with cultural backing, the OBC is not because it encompasses a diverse group. Therefore, members of the OBC tend to split up into their castes/sub-castes and demand quotas and reservation with those identities, which reinforces the caste system (de Zwart, 2000, p. 246).

Mosse (2018) seeks to understand Caste as a concept, commenting on rural economic change, labour markets, the business economy, modernity and identity (p. 423). As he considers and analyses these different areas, he concludes that the Caste System and notions of Caste persist because of their perks, such as opportunity hoarding. He asserts that policy change and innovation is needed and that Caste should be addressed in global and international discourse as well (Mosse, 2018, p. 422).

Laskar (2010) works to understand Reservation in terms of higher education, critically evaluating the policy and concludes that the policy should be rethought (p. 25). He claims that determining what/who the backward castes are, which is a critical step in providing representation to disadvantaged castes, is a matter of controversy (Laskar, 2010, p. 51). Emphasising the need for quality primary and secondary education, Laskar advocates for free coaching of students (Laskar, 2010, p. 52). Laskar (2010) concludes that Reservation was a meaningful measure in 1950 at the constitution's adoption as it was meant to be a temporary measure. He asserts that it no longer serves the purpose of uplifting marginalised communities (p. 52).

As can be seen from the above literature review, many scholars have agreed that although Reservation has made an impact, it has not reached its full potential. Scholars go as far as to comment that Reservation works counterintuitively. There's general agreement that the terms used within Reservation are defined too loosely and that the policy has not been managed well.

Most scholars have, thus, considered the impact and mechanisms of the Reservation policy. The research gap here is the application of a theory to the mechanisms identified; to analyse not only the inefficiency and stagnancy of

Reservation but to comment on the change/continuity with an emphasis on its causation. This area is lacking research and the policy dynamics are underexplored. Therefore, in contrast to previous research, and to build upon it, I will be identifying and analysing the change and continuity within Reservation through public policy analysis, and analysing how and why Reservation has changed through historical institutionalism. This allows us to understand underlying factors that could be leading to inefficiency, enabling us to better understand and adjust the policy.

3. Methodology

In this paper, I have chosen to analyse the affirmative action policy, Reservation, in India, with reference to how and why it has changed from its adoption in 1950 to 2021. The purpose of this thesis is to understand how the government and public administration managed this policy. In analysing this, we can understand the policy with reference to factors that are influencing change or continuity. This question would allow us to understand how public policy has interacted with the Caste System over the past 70 years, which is a critical step in formulating future policies and understanding what is needed to truly abolish this institution.

With respect to method, I will be analysing Reservation from its adoption in 1950 to 2021 through the method of public policy analysis and the theory of historical institutionalism. These methods and theories are elaborated upon later on in this section and in Section 4 and 5, with respect to their usage, application, relevant concepts as well as their advantages and disadvantages to this thesis. With respect to data, I will be utilising official government documentation, historical accounts, previous research and scholarly articles to analyse the change in Reservation. All of this will be discussed in detail below.

This section will introduce the paradigm this thesis operates in, briefly touching upon ontology and epistemology, and introducing the method, theories and data utilised in this paper. Lastly, I will critically examine my position in this paper as a researcher and other limiting factors to my methodology. The limitations of theories and methods used in this thesis are discussed in Section 4 and 5.

3.1 Philosophy of Science

By explicitly articulating my ontological and epistemological perception and elaborating on my research paradigm, I hope to better reflect on my work and help the reader understand some of the assumptions in this thesis. I will begin by discussing my research paradigm and ontological and epistemological views.

The concept of ontology refers to the way that the researcher defines the truth and the nature of reality, and the concept of epistemology refers to how we can examine this reality (Levers, 2013, pp. 2-3). For this research paper, I have chosen to work with the interpretivism paradigm. The ontological basis for this paradigm is relativist, meaning that knowledge is relative to its context, whether that is historical, cultural, etc. Interpretivists believe in multiple realities, derived by the people in the situation and that reality is socially constructed (Levers, 2013, p. 3). The epistemological basis for this paradigm is subjective, as interpretivists believe that objectivity cannot be captured, and instead accept multiple meanings and ways of acquiring knowledge (Levers, 2013, p. 3).

The interpretivism paradigm espouses the need to understand how people understand and prescribe meanings to the situations they are involved in (Kuada, 2012, p. 77). This means that reality and meaning are viewed as being socially constructed, and that reality is always created and mediated by our senses (Abdulkareen, 2018, p. 29). This paradigm also asserts that we must understand social phenomena in context and that humans are active participants in these situations (Kuada, 2012, p. 77). Instead of explaining phenomena, the focus is on understanding them and then prescribing meaning (Kuada, 2012, p. 77).

I have chosen to operate within the interpretivist paradigm because I aim to analyse the Reservation policy with reference to how and why it has changed and what this means for the institution of the Caste System and future policies. As I will be studying Reservation over a span of 70 years, which includes the formation of India as an independent country, there will be special emphasis on the historical context and changing social and political reality in reference to this policy and the Caste System. Furthermore, as the Caste System has existed for more than 3,000 years, it is safe to assume that this institution has changed during this period, and it

can be argued that these changes and shifts within the institution have an impact on our understanding of Caste today. Therefore, it is also important to look at the impact of different actors on the institution, while paying special attention to how their bias impacts their understanding and thereby considering multiple understanding and interpretations.

Additionally, the Caste System and the Reservation policy are inherently socially constructed institutions and policies, shaped by actors, their interests and their perceptions. All of these factors combine to form the ontological and epistemological assumptions that guide this research; reality is socially constructed, relative and subjective, and in understanding it, we must assign meaning to the perceptions and interests of the actors involved in a specific situation, in this case, creating and implementing the Reservation policy. In this study, the epistemological perspective is that the nature of knowledge is subjective as it is impacted by the perspectives and interpretations of the researchers, and therefore, must be analysed as such.

The interpretivist paradigm has been criticised for producing theories that are not generalisable to larger phenomena, and for the active role of the researcher in the research which produces more subjective research. Scholars have argued that researchers in the interpretivist paradigm could be more objective (Rehman & Alharthi, 2016, p. 56). Along the same tangent, critics have claimed that interpretivists produce results that are not reliable as they are subjective and not generalisable (Nudzor, 2009, p. 118).

However, for the purposes of this thesis, as I am analysing the Caste System and Reservation, this research does not need to be generalised to other phenomena. Additionally, I will strive to back up my sources, and discuss multiple evidence-based understandings before settling on one in order to combat subjectivity. Nonetheless, as the interpretive paradigm embraces subjectivity, this thesis accepts that as a potential limitation.

Lastly, the interpretivist paradigm has been criticised for lacking focus on ideology and power (Pham, 2018, p. 4). However, for the purposes of this thesis, power and vested interests of actors are deemed important to analyse in relation to policy change and continuity, and some concepts from feminist institutionalism will

be incorporated. This thesis views power as socially constructed, specific to contexts and a result of history and previous conflicts. Therefore, although power is not a focal point of the interpretivist paradigm, this thesis will place an emphasis on power and consider it in accordance with the interpretivist paradigm and its ontological and epistemological bases.

3.2 Research Design

This thesis will answer the following research question: "How and why has the policy of Reservation changed since its adoption in 1950?". As this thesis operates in the interpretivist paradigm, I approach this question with inductive reasoning, beginning by identifying patterns and observations and then moving on to generate meaning (Abdulkareem, 2018, p. 30). This study will be a qualitative study (elaborated on in Section 3.3).

As espoused by the interpretivist formula, I have chosen to view Reservation and the Caste System with specific reference to their historical context by using a historical perspective in my analysis. The scope for this research is 1945-2021 as this period constituted the development, formulation and change in Reservation. Although historical influences from the Vedic period and the British raj are considered, they do not fall in the direct scope of the study, as I focus on policy analysis of Reservation. In order to limit the scope and create a manageable analytic approach, the specific events and processes that are analysed are highlighted in Section 6.

In order to analyse how Reservation has changed over the past 70 years, I will be conducting public policy analysis as a method and using the theory of historical institutionalism to analyse the change/continuity in Reservation. A public policy analysis would allow me to analyse Reservation in terms of how the policy has changed by evaluating agenda setting, policy formulation and policy change, which is elaborated on in Section 4. I use historical institutionalism as a complementary theory to shed light on how and why the policy has changed. In accordance with the interpretivist paradigm, it views institutional change or maintenance with emphasis on temporal sequences and the past. Furthermore, I utilise supplementary concepts

from feminist institutionalism to analyse the interaction of actors with the policy. This is elaborated on further in Section 5.

By using the method of public policy analysis, I can directly analyse Reservation as a policy with reference to its agenda-setting, policy formulation and changing mechanisms and instruments. I use historical institutionalism to shed light on how the historical context and political and social changes have contributed to change and continuity in the policy. The combination of these two methods and theories are complementary as they agree on basic premises, such as [1] reality is socially constructed, [2] history matters and shapes the future, and [3] the situational (historical, social, cultural, etc.) context matters. Furthermore, several scholars who have theorised and created concepts within public policy analysis share the viewpoints of historical institutionalists, which allows these to work well together.

With regards to the analytic strategy, I will divide the analysis into three sections. The first section will analyse the agenda-setting and policy formulation of Reservation in 1950, thus establishing the policy at its adoption in 1950. Next, I will analyse the policy formulation in 2021 to deduce the major policy change, and analyse the contemporary policy formulation. Lastly, I will analyse the changes identified, as well as the aspects of the policy that remained the same.

Although I have chosen to divide policy analysis into stages (which is discussed further in section 4), I still acknowledge that the public policy process is a fluid and dynamic process and not necessarily linear. As the policy undergoes changes, I will again have to analyse the agenda-setting and formulation. Concepts and theoretical frameworks from historical institutionalist and feminist institutionalism are used throughout all the sections to comment on the policy and analyse change/continuity. Depicted below is a model that provides an overview of the analytical strategy.
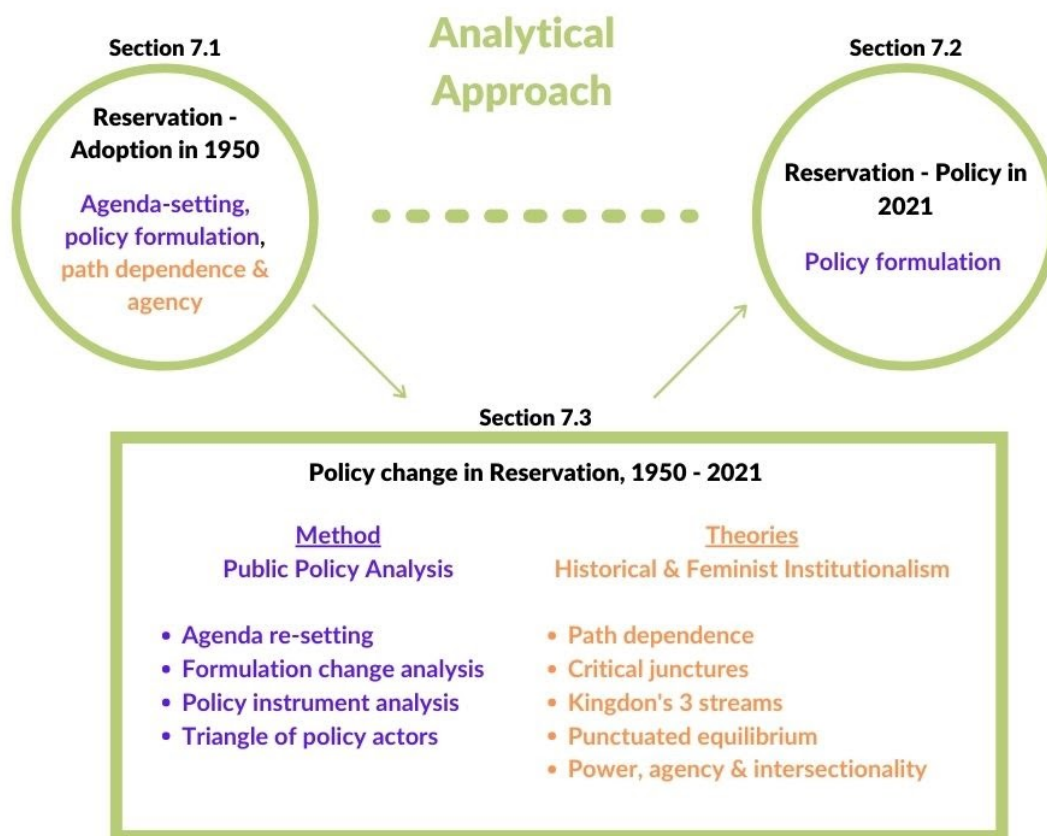
Analytical Approach

Section 7.1

Reservation - Adoption in 1950

Agenda-setting, policy formulation, path dependence & agency

Section 7.2

Reservation - Policy in 2021

Policy formulation

Section 7.3

Policy change in Reservation, 1950 - 2021

Method
Public Policy Analysis

- Agenda re-setting
- Formulation change analysis
- Policy instrument analysis
- Triangle of policy actors

Theories
Historical & Feminist Institutionalism

- Path dependence
- Critical junctures
- Kingdon's 3 streams
- Punctuated equilibrium
- Power, agency & intersectionality

Fig. 1. Analytical approach model

3.3 Empirical Data

The interpretative framework works primarily with qualitative data, and while quantitative data can be used, it is not highly relied upon (Rehman & Alharthi, 2016, p. 56). As previously mentioned, this paper will use a historical perspective and an inductive approach. As I have chosen to work with public policy analysis concepts and streams of neo-institutionalism, I will be using primarily qualitative data and a mix of primary and secondary sources. This section will outline the choice of data with reference to the selection criteria and their reliability and validity.

To analyse the agenda-setting of Reservation, I will be using historical accounts and scholarly articles to establish the roles of different actors and events in placing Reservation on the political agenda. A critical consideration when studying the Caste System and Reservation is the bias of previous researchers and historical sources. It is worth bearing in mind that perceptions and interpretations can be skewed by the aim, understanding, ideological perspective, etc. of the writer. Sharma

(1958) asserts that scholars have used the same ancient scriptures and interpreted them differently based on what they are trying to prove (p. 2). In using scholarly research and historical accounts, I use several sources to cross-check facts and portrayals of events and actors, thereby maintaining reliability and validity.

In order to analyse the policy formulation of Reservation in 1950, I will be using the first constitution of India, which identifies caste-based discrimination as a problem and establishes Reservation as a state directive. Similarly, in order to analyse the policy formulation of Reservation in 2021, I will analyse the most recently amended version of the Indian Constitution (2020). The Indian Constitution is the most reliable source to analyse the change in policy formulation as it is a legally binding document published by the government.

As I am analysing the change in Reservation based on the policy formulation of Reservation at its adoption and in contemporary India, I primarily use the Constitutions of 1950 and 2020 to establish what Reservation is. I also consider the Ministry of Social Justice and Empowerment's Annual Report 2021 to consider the Reservation in 2021. Furthermore, I utilise scholarly research and studies, as well as historical accounts to understand and establish context and previous research. All the primary data used in this thesis is depicted in the table below.

Name:	Used for:
First Constitution, 1949	Policy formulation in 1950
Latest Constitution, 2020	Policy formulation in 2021
Ministry of Social Justice and Empowerment, Annual Report 2021	Policy change; role of the Ministry in administering Reservation + information about Reservation in 2021
Constitution, (One Hundred and Twenty Sixth Amendment) Bill, 2019	Constitution amendment

Constitution (Eighth Amendment) Bill, 2019	Constitution amendment

Table 1. Overview of governmental data used in the analysis

In this thesis, I am utilising sources to gain information about [1] Reservation as a policy and [2] events (historical, political, etc.) that may have influenced Reservation. Therefore, in terms of policy documents, my criterion of selection is that they are verified by the government to ensure reliability and validity. All of my sources have been found on the Indian government's website and database. My criteria for selection for contextual documents are that they are published scholarly work and are not outdated (which is relative, depending on the time period being analysed). As aforementioned, several scholarly works are utilised to maintain reliability and validity and cross-check portrayals of events, actors, etc.

3.4 Critical Considerations

A critical consideration for this thesis is evaluating my own bias as a researcher. I am Indian, and I lived in India for the first 10 years of my life. In this period, I did not know much about Caste or the Caste System and was not aware of it. I am part of the Kshatriya caste, which is the second-highest, and the Gujjar sub-caste. I dislike the Caste System for the inequality, violence and discrimination that it causes, which is the prime reason that I have chosen to work with this topic. I want to understand how we can formulate a better policy to combat caste-based inequality, and the first step to that is understanding how the current policy works. Despite my stance, I will strive for objectivity by considering different vantage points and discussing multiple interpretations and understandings. Furthermore, I will strive to make my arguments evidence-based and easy to follow.

4. Method: Public Policy Analysis

This section will elaborate on the method of public policy analysis. I will begin by breaking down and explaining the term "public policy". I will also reflect on my

choice to break down the public policy process into stages. Next, I will explain agenda-setting, policy formulation and policy change by explaining each stage and the tools and concepts that are used in each of those stages, as well as discussing advantages and disadvantages.

4.1 Public Policy & Stages

Public policy analysis is a broad analytical method, which seeks to investigate a policy and can be focused on a myriad of factors, ranging from policy content, outputs, process, evaluation, etc (Hill & Varone, 2017, p. 5, p. 141). In this thesis, I will be utilising descriptive public policy analysis and several prominent tools and concepts from this method to analyse how change in Reservation.

The dictionary definition of a policy is general and simple: "a set of ideas or a plan of what to do in particular situations that have been agreed to officially by a group of people, a business organisation, a government, or a political party" (Cambridge Dictionary, 2021). Scholars within policy analysis have struggled to define policy, as the understanding of "policy" is vague which makes it difficult to treat it as a specific and concrete phenomenon (Hill & Varone, 2017, p. 16).

Hill & Varone (2017) articulate several reasons why defining policy is difficult. The first question is whether to treat the policy as a course of action based on one decision or a web of decisions. This is because the word "policy" has been applied to different topics and cases, which reduces its specificity. Secondly, the policy process is dynamic and changes over time and understanding it must continually be revised. Thirdly, policies don't exist solely; they exist in interaction and relation to prior policies, being created as a response or improvement to previous systems and institutions. Therefore, it is not enough to view the policy in isolation without context (Hill & Varone, 2017, p. 17). Fourth, the study of policies focuses on why decisions are not made and inaction as much as it focuses on decisions that are made (Oni, 2016, p. 325).

The above-mentioned factors make defining policy difficult. However, there are several elements that are central to the concept. The policy process is complex and multi-layered but is essentially a political process. This adds important themes to policy analysis, specifically the relationship between a policy and politics, and the

dominance of what is said and written about the policy and its relation to politics (Oni, 2016, p. 342). Hill & Varone (2017) assert that any analysis of public policy processes must understand the nature of power in the state (p. 8). The policy process also involves many different actors at different levels, ranging from politicians to journalists to passive recipients, which adds another dimension to policy analysis (Oni, 2016, p. 338).

Focusing specifically on public policy also adds several layers and dimensions. Public policy refers to a policy created and enforced by the government. Although the main characteristics of policy remain the same, debates about legitimacy, power, and the nature of the state are brought into the mix (Hill & Varone, 2017, p. 20). When analysing public policy, it is important to consider the role of different state institutions, as well as the impact of inter-state, supra-state institutions and private actors on the policymaking process (Hill & Varone, 2017, p. 21) Hill & Varone (2017) assert that "mainstream" policies, or policies that are in the spotlight and are more focused upon, tend to be more organised (p. 178).

Hill & Varone (2017) assert that descriptive public policy analysis does not need to define "public policy" rigidly, but rather, should be aware of the complexity and ambiguity of the concept (p. 19). Although the public policy process is not always organised and linear, it is seen as a rational process following guidelines (Hill & Varone, 2017, p. 20). There are several disadvantages to using the stages model as well, the most significant being that it portrays the policy process as ideal, pragmatic and linear, and it could be misleading about what actually happens (Hill & Varone, 2017, p. 157). Therefore, it is important to not be too rigid when utilising the stage model, and use them for labels as opposed to order and sequence.

As mentioned in section 3, I have divided the public policy process into stages for this thesis: agenda-setting, policy formulation and policy change. This does not mean that these stages have to happen only once or consecutively, rather, this model is used for structured and clear analysis. Hill & Varone (2017) emphasize that it is important to consider the policy process as a whole, and to see connections without generalising (p. 356). This thesis accepts that the public policy process is fluid, dynamic and interconnected. For example, the stages may not always be consecutive, for example, if the "losers" of a policy fight back, they may contribute to feedback

processes or trigger the need for policy re-formulation of the existing policy, among other outcomes (Hill & Varone, 2017, p. 163).

4.2 Agenda-setting

Agenda setting is the process of deciding "where to go". This stage identifies the problem and ascertains the direction that public officials want to go. Essentially this is the process by which social problems become public problems and are put on the political agenda (Fischer et al., 2007, p. 63).

A key concept within agenda setting is "policy entrepreneurs", who are the actors that drive the transfer of a problem to the political agenda (Hill & Varone, 2017, p. 166). To analyse agenda setting, I have chosen to use two concepts: Kingdon's three streams and Jones & Baumgartner's punctuated equilibrium. These concepts are explained in Section 5.1 as these are from historical institutionalism.

As aforementioned, this thesis uses a public policy analysis approach with a focus on power, actors, and relation to politics that emphasizes that policies are determined by the vested interests of actors and parties involved. Lasswell (1936) defines politics as being about "who gets what", which will be a guiding question for this thesis (as ctd. in Hill & Varone, 2017, p. 144).

The Triangle of Policy Actors (hereafter "Triangle"), formulated by Knoepfel et al. (2007) shown in the model below, allows for an analysis of different actors: political administrative authorities, target groups/losers, and 3. end beneficiaries/winners. The political administrative authorities create and implement the policy, the target group/losers are people that derive cost from the policy as the policy modifies their behaviour in some way, and the end beneficiaries/winners are actors that are benefit from the policy as the aim of policy is to improve this group's personal situation (Hill & Varone, 2017, p. 145). Identifying actors in this way allows us to examine interests, costs and benefits, which can allow us to understand policy creation and changes. This model is also used to analyse policy formulation.

Triangle of Policy Actors

Knoepfel (2007) (as ctd. in Hill & Varone, 2017, p. 145)

Political Administrative
Authorities

*... implement policy
instruments to modify
the behaviour of...*

Target Group /
"Losers"

End Beneficiaries /
"Winners"

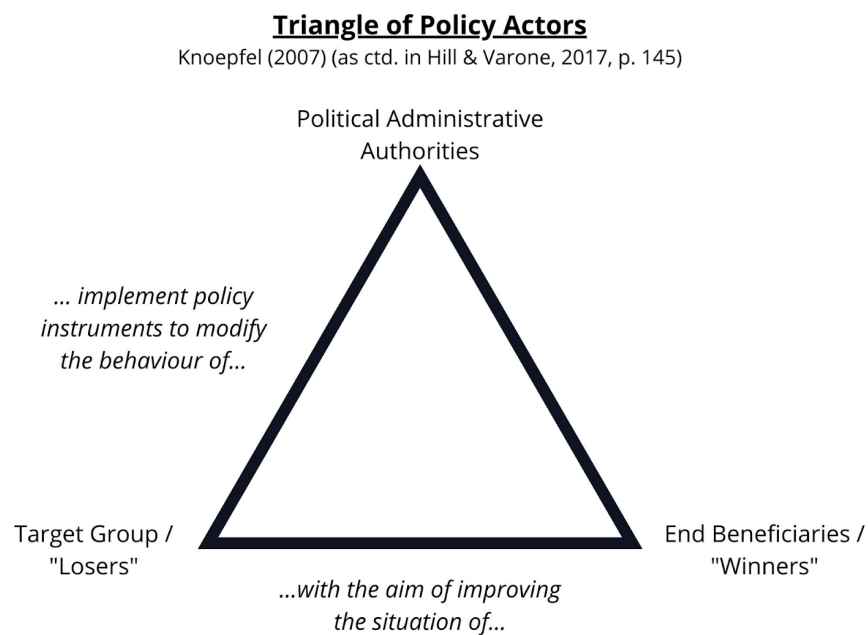*...with the aim of improving
the situation of...*

Fig. 2 Triangle of Policy Actors

The Triangle of Policy Actors is a simple model that identifies the main actors of a public policy, but there are other actors to consider as well, such as indirect winners and losers, as well as passive recipients. Indirect winners, losers and passive recipients whose gains and losses derived from the policy are obscure. These actors are also based on a wide spectrum, as they are not intended to be affected directly by the policy (Hill & Varone, 2017, p. 146). Another prominent concept is "advocacy coalition framework" which refers to the formation of groups in terms of the policy, with dominant groupings having some influence on the policy (Hill & Varone, 2017, p. 147).

As with any approach, there are several criticisms and complications with the approach that focuses on actors and power. Firstly, distinguishing between directly affected actors and third parties can be difficult as it can be subjective unless specific criteria is assigned. Furthermore, there has to be a good mixture of attention to actors, policy and context in order to understand policy change. There are also several flaws to the Triangle. One flaw is that all the actors may not fit neatly into the articulated groups. Furthermore, there can be alternative winners and losers and outliers in a group; for example, some members of a higher caste could be disadvantaged by Reservation whereas others in the same caste are advantaged (Hill

& Varone, 2017, pp. 146-147). In this way, the model could be deemed too simplistic.

When analysing agenda setting, there are several disadvantages. Hill & Varone (2017) claim that separating a distinct agenda can be difficult, as agenda-setting and policy formulation is often confused (p. 165). Furthermore, they claim that we rarely see new issues being raised, rather reiterations of previous issues with different perceptions and proposals for solution. They assert that sometimes it is not possible to ascertain a specific agenda, and most times the agenda-setting may not be clear cut (Hill & Varone, 2017, p. 165).

4.3 Policy Formulation

Policy formulation is the process between agenda-setting and policy implementation. This process takes the direction decided upon within agenda-setting and makes it more specific, actionable and decides how to implement it (Oni, 2016, p. 336). This is done through articulating definitions, operational elements, objectives and goals, as well as for deciding on "instruments", which refers to the techniques used by public administration to implement the policies (Fischer at al., 2007, p. 80).

In this stage of the policymaking process, we also pay attention to public management and civil servants, as well as the impact of politicians on these actors (Hill & Varone, 2017, p. 193). While we can analyse goals, objectives and intentions, the most important thing to analyse during the policy formulation phase is the instruments of choice. Procedural elements of policy can be analysed by considering documents such as legislation, laws, etc. (Fischer at al., 2007, p. 80).

Policy instruments refer to the techniques that political-administrative authorities use to implement their policy, which is discussed further in the next section (Hill & Varone, 2017, p. 146). Here, it is important to note that the political-administrative authorities should also be analysed as a group with a vested interest (Hill & Varone, 2017, p. 147). In addition to considering the actors, it is also pertinent to consider the framing of a policy and how the narrative depicts and identifies the actors (Hill & Varone, 2017, p. 149).

Instruments are a part of operational elements (p. 199). Hood shares 4 instruments: [1] Nodality: the use of information, [2] Authority: legal power used, [3]

Treasure: use of money and [4] Organisation: use of formal organisational arrangements. The choice of instruments depends on resources, political risk, constraints, the likelihood of resistance against policy (Fischer at al., 2007, p. 279).

Howlett & Ramesh name 3 ways to categorise instruments on a spectrum: voluntary, mixed and compulsory (Hill & Varone, 2017, p. 200). With voluntary instruments, state involvement is low, and with compulsory instruments, high. This spectrum is determined by the prediction of resistance by the state. These can also be influenced by state ideology, e.g. what does the state think is the right way to govern, as well as resources available for allocation (Hill & Varone, 2017, p. 202).

4.4 Policy Change

In terms of policy change, I will be using historical institutionalist theories and concepts which are explained and discussed in Section 5.

4.5 A Note on Policy Implementation

Policy implementation is the process of applying the policy in the real world. As this thesis focuses on the change in the Reservation policy, I will not be performing a policy implementation analysis as the scope would be too large. However, it is important to acknowledge that policy goals can be changed over time, and therefore, to understand policy change, we must ask some questions relating to implementation to speculate on change (Hill & Varone, 2017, p. 241). Therefore, I will be using the following concepts, Matland (1995)'s impact of conflict and ambiguity and May & Jochim's (2013) implementation regimes, to comment on policy change.

Matland (1995) uses and interconnects the concepts of ambiguity and conflict to explore policy implementation issues (Hill & Varone, 2017, p. 241). Although this approach has been deemed static and simple, it allows us to analyse the specific context revolving around the policy (Hill & Varone, 2017, p. 242). He describes four scenarios:

[1] Low conflict and low ambiguity forms "administrative implementation", which means general acceptance and good understanding and opinion of the policy,

[2] Low conflict but high ambiguity forms "experimental implementation", which means general acceptable but uncertainty about the policy and its effectiveness,

[3] High conflict and low ambiguity forms "political implementation", which means that the policy is understood and faces resistance from the public

[4] High conflict and high ambiguity forms "symbolic implementation", which means there is difficulty in understanding the policy and there is resistance. (Hill & Varone, 2017, p. 242)

May & Jochim (2013) formulated a concept called "implementation regimes" which claims that we must strive to understand the ideas, institutional structures and the interests of public administration with reference to policy implementation in order to understand what is blocking successful policy implementation (as ctd. In Hill & Varone, 2017, p. 243). They ask questions about the commitment to policy purpose, the impact of institutional and organisational structure on implementation and how interests result in interest, support or opposition (Hill & Varone, 2017, p. 243). Hill & Varone (2017) contend that this is a useful notion, especially when dealing with high conflict policy implementations (p. 243).

5. Theory and Concepts

This section will explain the two streams of neo-institutionalism used in this thesis, which are historical institutionalism and feminist institutionalism. Historical institutionalism is the main theory utilised in this paper. However, as it lacks focus on power and agency, I have borrowed those supplementary concepts from feminist institutionalism to analyse actors. These theories are used to explain the policy change and continuity of Reservation.

5.1 Historical Institutionalism

Historical institutionalism is a stream of neo-institutionalism which emerged in the 1990s, and emphasises the impact of history and timing on institutions and institutional change (Steinmo, 2008, p. 150). The broader approach, Neo-institutionalism emerged in the 1980s, as a combination of traditionalist and

behaviourist traditions, claiming that both formal and informal institutions impact, constrain and enable actors' behaviours in political institutions (Ishiyama & Breuning, 2011, p. 22). This section will focus on historical institutionalism. I will begin by defining institutions and institutional change as believed by historical institutionalism and then explain the following concepts: path dependence, decision trees, critical junctures, Kingdon's 3 streams, punctuated equilibrium and temporal sequences. All of these are utilised to shed light on change and continuity in the analysis.

Due to the complexity of institutions, the definition has been debated by scholars. North (1991) defines institutions as "the humanly devised constraints that structure political, economic and social interaction" (p. 97). As this is a relatively broad definition, the concept of institutions is generally divided into two: formal and informal institutions. Formal institutions are explicit guidelines for behaviour and conduct, such as laws, regulations and policies, etc. Informal institutions guide behaviour implicitly, by implying codes of conduct through social norms and values, traditions, rituals, etc. (North, 1991, p. 97).

Williamson (2000) asserts that informal institutions are persistent as they are entrenched in society and thereby slower to change (as ctd. in Friel, 2017, p. 213). Social norms and values play a significant role in informal institutions, as they create implicit understanding which negates the need to explain and/or negotiate the code of conduct (Friel, 2017, p. 212). The concepts of social norms and values are used interchangeably, but have conceptual differences; social norms are defined as "a rule governing an individual's behaviour that third parties other than state agents diffusely enforce by means of social sanction" whereas social values are guidelines for behaviour based on their desirability in a society (Kinzig et al., 2013, p. 165).

Thereby, social norms are specific guidelines, whereas values are more abstract and non-mandatory. For example, if a society thinks highly of marriage, the norm would be remaining married, and going against this could result in taboos, stigmatisation, etc. Maintaining the norm, remaining married, would be viewed as a valuable behaviour but would not be mandatory. Kinzig et al. (2013) assert that social norms and values might remain despite governmental regulations constraining behaviours (p. 166). Social norms and values, and their distinction, are relevant for

this thesis as they are applied to the Caste System often, as will be elaborated on in later sections.

The general purpose of institutions is to create order and efficiency, while reducing uncertainty (North, 1991, p. 97). In an institutional framework, this is achieved by creating a system of incentives and disincentives for following institutions, such as taboos and stigmatisation in the example above (North, 1991, p. 97). Generally, scholars have contended that institutional change is slow and difficult. Hall & Taylor (1996) explain that this is because the actors attempting to change institutions are influenced by the institution (as ctd. in Friel, 2017, p. 212).

Historical institutionalism agrees with the foundational premises of neo-institutionalism, and goes on to assert that timing and sequences matter heavily in the development of institutions. As history is at the core of this approach, past politics and policies shape institutions, actors and their capability (Ishiyama & Breuning, 2011, p 26). In this way, the impact of political, economic, social and cultural developments can be seen in institutions. This approach asserts that history is not straightforward or linear, and many outcomes are possible (Ishiyama & Breuning, 2011, p. 26)

A key aspect of analysing institutions is analysing the actors. While other streams of institutionalism have categorised actors simply as norm-abiding followers or as self-interested actors, historical institutionalism subscribes to both views depending on the context (Steinmo, 2008, p. 163). Instead of focusing on the intention of the actor, historical institutionalism chooses to focus on the context and historical evidence to understand why a specific choice was made and how it impacted the institution or was impacted by the institution (Steinmo, 2008, pp. 163-164). Furthermore, actors also learn from history and thereby, their future actions are impacted by their understanding and perception of history and their specific vantage point (Steinmo, 2008, p. 164). This means that historical institutionalists are sceptical of variable independence and are interested in the interaction between institutions and actors and their mutual impact on one another (Steinmo, 2008, p. 166). Statements on institutional change within historical institutionalism will be discussed later on in this section.

Ishiyama & Breuning (2011) claim that historical institutionalism is a broad approach with a diverse range of scholars arguing for and researching many areas,

nonetheless, using similar concepts. One of the core concepts within historical institutionalism is path dependence, decision trees and critical junctures (p. 26). Institutions are seen as continuities, as having been impacted by past institutions, actors and events. The concept of path dependence means that one decision eliminates other possibilities and limits future choices for the institution and the actors, thereby, leading the institution down a specific path (Ishiyama & Breuning, 2011, p. 26).

Decision trees are a model that illustrates this, showing a tree-like model of possible decisions and outcomes. As one decision is picked, the other possibilities disappear, and the institution is headed down a specific path. The choices made by the institutions or actors within the institutions set things in motion which are difficult to reverse, and small decisions/occurrences can have unforeseen consequences (Ishiyama & Breuning, 2011, p 26). If there is positive feedback on a path chosen by an institution or actor, then they will maintain it as the cost of changing paths would exceed its benefits (North, 1991, p. 97).

The concept of critical junctures refers to key decisions made during a time period which influences an institution. The main interest for historical institutionalism is the "construction, maintenance and adaptation of institutions" and identifying the critical junctures that lead to these institutional changes or stagnations or successful maintenance allows for a better understanding of institutions and their impact (Ishiyama & Breuning, 2011, p. 26). To fully understand and analyse this, historical institutionalists tend to ask broad questions that can be observed over long periods of time, paying special attention to the context and the interaction of political processes and institutions (Ishiyama & Breuning, 2011, p. 26).

Kingdon's (1993) three streams are the streams of problems, policies and politics, which work and develop independently, but through a critical juncture come to work together and combine, creating policies as well as policy change (as ctd. in Hill & Varone, 2017, p. 171). Kingdon uses the analogy of a primeval soup to illustrate this notion and claims that policy entrepreneurs drive this change when the three streams come together (Hill & Varone, 2017, pp. 171-172).

Kingdon claims that agenda-setting is affected by the media and politicians attention spans, and uses the concept of "windows of opportunity" to assert that

spaces on the public political agenda open and close (Hill & Varone, 2017, p. 172). He also acknowledges that "feedback processes" from other policies can impact agenda setting. He uses the notion of "spillovers" to refer to the impact one policy may have on another, the so-called interdependence of policies. He acknowledges strong forces of stability in the policy processes but asserts that intense change can result from a seemingly unimportant change in a system (Hill & Varone, 2017, p. 172).

The concept of "focusing events" supplements Kingdon's three streams, claiming that a major event (terrorist attack, natural disaster) can cause all three streams to combine and pave the way for major change (Hill & Varone, 2017, p. 173). Another concept called "policy fiascos" claims that the failure of earlier policies might call for a change in agenda-setting and reformulation of an older policy (Hill & Varone, 2017, p. 173).

Kingdon's concept has been criticised as ethnocentric as his work referred specifically to the United States, but his concept has been applied to different areas by several scholars (Hill & Varone, 2017, p. 172) Kingdon's theory is institutionalist in approach, which works well with historical institutionalism. However, it does not emphasise the role of actors, rather focusing on the impact of past decisions and their impact on agenda-setting (Hill & Varone, 2017, p. 174). Kingdon views agenda setting as an abstract, disorganised and chaotic process. While several scholars have criticised this, others have agreed with it (Hill & Varone, 2017, p. 174). Another criticism for Kingdon's stream is that he treats the three streams, problem, policy and politics, equally, and scholars have wondered if that truly is the case (Hill & Varone, 2017, p. 178).

Therefore, historical institutionalists are interested in how history shapes outcomes and their methodology consists of observing and analysing patterns through time through theorised concepts. This is why historical institutionalism should be used to answer questions or problems dealing with institutions which have persisted for a long time, as it allows us to expand the number of patterns, and thereby deductions, that can be observed.

Historical institutionalists contend that institutional change is difficult. This is because of several reasons; 1) Any institution is embedded in a larger institution which causes resistance to change, as mutually enforcing restraints are placed on the

institutions, 2) Actors develop expectations due to institutions which are resistant to change, and informal institutions will, in some cases, constrain formal institutions, 3) Actors become invested in a system and may not want to bear the cost of change, and 4) Institutions not only guide behaviour but also shape preferences and values, which can establish social/cultural/religious attachments to institutions (Steinmo, 2008, pp. 167-168). Primarily, the exchange between and impact of institutions on actors and relationship to other institutions creates resistance for institutional change.

The most dominant explanation for institutional change is through the concept of punctuated equilibrium, which claims that primarily institutions remain stable and reluctant to change until external factors impact them. These factors can result in a shock and lead to eventual institutional change. However, this has been criticised by scholars, both from within the historical institutionalism approach and outside. They have pointed out that this explanation takes agency away from the actors and relies primarily on "fate". Furthermore, this doesn't allow us to predict or observe patterns leading to institutional change (Steinmo, 2008, p. 168).

Jones & Baumgartner's concept of punctuated equilibrium was influenced by Kingdon and claims that feedback to policies generates problems over time (Hill & Varone, 2017, p. 171). This concept seeks to deal with agenda-setting and its relationship between change and stability. They claim that policy continuity is maintained in periods of low political attention, and are interrupted by radical shifts during high political attention, which they term punctuations (Hill & Varone, 2017, p. 184-185).

They claim that these radical shifts are difficult and are caused by a change that disrupts institutional frames, and the involvement of different sets of actors (Hill & Varone, 2017, p. 185). This concept assigns more emphasis to the role of media in shaping agenda setting, which is not relevant to this thesis as I am analysing public management. However, we may briefly notice the media's role in agenda-setting and the influence on policy change as a consequence.

There are several advantages and disadvantages of using historical institutionalism. Historical institutionalism allows for a multi-level analysis simultaneously (Ishiyama & Breuning, 2011, p. 25). This allows us to explore actors,

institutions, their interaction with each other as well as overtime. It also allows for us to consider the interaction of ancient institutions with contemporary institutions as well as their impact, among other combinations. As I have chosen to analyse the Caste System and Reservation from a historical perspective, historical institutionalism provides for fitting concepts.

There are also some disadvantages to using historical institutionalism. A major disadvantage is that while historical institutionalists have theorised institutional maintenance and stability, they lack explanations for institutional change (Steinmo, 2008, p. 167). The explanations for institutional change explained above have been criticised and are not agreed upon by many scholars. Although scholars such as Thelen & Streeck have studied institutional change and provided probable analyses, there have not been any substantial conceptualisations to explain institutional change (Steinmo, 2008, p. 168).

5.2 Borrowed Concepts from Feminist Institutionalism

As historical institutionalism does not touch explicitly on notions of power, actors and agency, I have chosen to use another neo-institutionalism approach, feminist institutionalism (FI), to supplement this limitation. Feminist institutionalism focuses on the operation of gender norms in institutional contexts, as well as the construction and maintenance of these norms (Holmes, 2020, p. 214). Although this thesis does not focus on gender, it does focus on the treatment of marginalised actors. Therefore, instead of using FI to comment on the relationship between men and women, I will use the concepts to comment on power dynamics between actors.

As a stream of neo-institutionalism, feminist institutionalism maintains assumptions of the approach but adds nuances. FI acknowledges the value of distinguishing between formal and informal institutions, and add that although "actors do not always follow rules, but they know when they have broken them", additionally claiming that these rules are gendered and ascribe norms of appropriate behaviour based on social identities of the actors, which will be elaborated on later in this section (Kenny, 2013, pp. 36-37). FI conceptualises and focuses on power to illustrate the gendered nature of institutions (Kenny, 2013, p.). FI examines how institutions

constrain or enable actors through rules, norms, etc. and chooses to view actors through a gendered lens (Holmes, 2020, p. 217).

Feminist institutionalism is inspired by agency-structure debates, and assert that institutions are dynamic and can be changed by social actors (Holmes, 2020, p. 216). Structures are organisations of human relationships and are the factors that affect agency, such as social and political identities, institutions, etc. (Baker, 2005, p. 449). Agency is defined as the capability of an actor to act and make a difference, which is socially determined and impacted by structures (Baker, 2005, p. 236). Mackay et al. (2010) claim that the concept of agency "involve[s] strategic, creative and intuitive action as well as calculating self-interest". They assert that actors are "real people" and can cause change within an institutional environment that contains incentives and disincentives (p. 583).

As this thesis focuses on marginalised, non-standard actors, I will be using Crenshaw's concept of intersectionality as a basis for my analysis. Crenshaw (1989) explores the concept of intersectionality by explaining that the oppression of Black women cannot be understood based on the independent identities of "black" or "woman", but that we must examine the interaction between these two identities (p. 140). Thus, intersectionality is how social and political aspects of an actors identity intersect and interact with one another, resulting in privilege or discrimination (power or lack of power) (Crenshaw, 1989, p. 140).

Intersectionality allows us to assess the marginalisation of an actor, and view them in relation to their institutional context (Holmes, 2020, p. 218). Additionally, this allows us to comment on an actor's role within an institution, understanding how they are impacted by the institutions and thus analysing their interests. This can also help us understand the different enablement/constraints placed on different actors, and depending limit or increase their freedom and their ability to make a difference.

Feminist institutionalism views actors and institutions through an intersectional lens, focusing on different social divisions such as race, gender, sexuality, disability, etc. (Holmes, 2020, p. 217). Feminist institutionalists asserts that institutional change does occur and often has to do with power dynamics. Institutions have to be managed actively and can be subjected to debate. There is a gap between institutions and their perceptions by actors, and in this gap, institutions can be

reconfigured and redefined by actors, equally powerful or marginalised, challenging the power dynamics (Kenny, 2013, p. 43). Streeck & Thelen (2005) contend that institutions are continually created and recreated by a diverse set of actors (as ctd. in Kenny, 2013, p. 43).

Feminist institutionalism views on power in terms of inclusion and exclusion in institutional contexts (Mackay, 2010, p. 583). Kenny (2013) explains that actors with power can influence institutional creation, rules, etc., as such "change the rules of the game" in their own self-interest (p. 41). This often leads to an increase in the authority of powerful actors, and a decrease for marginalised actors, which reinforces existent power dynamics and structures (Kenny, 2013, p. 41). The actions of powerful actors impact "vulnerable actors", causing them to either submit to dominant actors or to withdraw support from marginalised actors. FI claims that because these power dynamics are self-enforcing, they become embedded in institutional contexts and taken for granted as a feature of institutions (Kenny, 2013, p. 41).

Dominant actors, whether that is because of their gender or caste, are able to create institutions and decide the rules of the games, whether that is laws, policies, codes of behaviours, etc., which allows for their power to continue if not strengthen. Kenny (2013) explains that FI does not claim that all institutions are male-dominated and aim to oppress women, but rather that women have been historically denied access to political institutions, which had led to institutions being male-dominated and male-centred, which create male normative rules and values that often go unnoticed (pp. 41 - 42). In the same way, Reservation was created majorly by upper-caste members, which could have an impact on the effectiveness of the policy.

Pringle & Watson (1990) assert that government works in the interest of men [or powerful actors] as opposed to women and non-standard actors (as ctd. in Kenny, 2013, p. 42). The concept of "logic of appropriateness" asserts that institutions prescribe and proscribe norms and values. Feminist institutionalists contend that these norms and values are essentially gendered are can be feminine/masculine in nature (Kenny, 2013, p. 42). For example, an organisation may claim that they value "good work ethic", but their conception and definition of "good work ethic" could favour qualities assigned to masculinity such as being assertive, rational, etc. For this

thesis, it is also useful to consider the religious, cultural, caste-based power dynamic behind norms and values.

Considering the dynamics that create norms and values allow us to understand how marginalised actors are kept subordinate, as informal institutions constrain subordinate actors and provide freedom for dominant actors. Policies or laws can disregard power asymmetry which can result in a poor policy. For example, when granting Reservation, policy officials must consider the intersectional identities of different groups of people that identify as the same sub-caste. Although people may belong to the same sub-caste, they may differ in terms of economic means, access to education or other aspects of their identities that may marginalise them further, such as sexuality, gender, etc.

6. Contextual Background

This section will provide a contextual background about the development of the Caste System in India and the policy of Reservation. I will begin by outlining the origins of the Caste System. Next, I will explain how the Caste System was institutionalised in India during the Mughal empire, the post-Mughal period and the British Raj. I will discuss events during these periods with reference to how they shaped the Caste System.

I will also discuss perceptions of the Caste System during the Independence Movement, and how the policy of Reservation came to fruition. Lastly, I will briefly present important events and decisions made regarding Reservation and the Caste System in contemporary India from the 1950s onwards. This contextual background is provided to aid the reader in understanding the intricacy of the Caste system in hopes that we may then understand the policy of Reservation and its interaction with the Caste System.

6.1 Caste in the Vedic Period

The origins of the institution of caste can be traced to the Vedic Period, which began in ca. 1,500 BCE. Scholars have reached this conclusion as varnas are

mentioned in several prominent Hindu scriptures (Joshi, 2017). These scriptures are the basis of our understanding of Ancient India and the Vedic society, as well as caste in those times, and have been interpreted by countless scholars over the years (Sharma, 1958, p. 6; Sharma, 1977, p. 6). Outlined below are the most important scriptures.

Title & period	Type
The Vedas: *Rigveda*, ca. 1,500 BCE - 1,200 BCE	Hindu hymns, rituals, commentaries, philosophies etc.
The Vedas: *Yajurveda*, ca. 1,000 BCE - 500 BCE	Hindu hymns, rituals, commentaries, philosophies etc.
The Vedas: *Samaveda*, ca. 1,000 BCE - 500 BCE	Hindu hymns, rituals, commentaries, philosophies etc.
The Vedas: *Atharvaveda*, ca. 1,000 BCE - 500 BCE	Hindu hymns, rituals, commentaries, philosophies etc.
Mahabharata, ca. 1,000 BCE	Ancient Sanskrit epic, including the Bhagavad Gita, one of the main scriptures of Hinduism
Dharmashastras, ca. 1,000 BCE	A genre of Hindu theological texts on the concept of Dharma
Manusmriti,	Religious codes of conduct dealing with morality and sacred obligations

Table 2. Scriptures of Hindium, prominent in developing the Caste System (Radhakrishnan & Moore, 1957, p. xvi-xvii; Sharma, 1977, p. 6; Sharma, 1958, pp. 42-43, Joshi, 2017; Bayly, 2008, p. 14)

The earliest mention of the four varnas is found in the Rigveda; a primordial being called Purusha constitutes of the four varnas; the Brahmin is the mouth, the Kshatriyas are the arms, the Vaishyas are its thighs and the Shudras it's feet (Joshi, 2017; Sharma, 1958, p. 28). Scholars generally agree that this hymn in Rigveda marks

the beginning of the shift from tribal classes to castes and varnas (Sharma, 1958, p. 28). Sharma (1958) asserts that although caste is not explicitly mentioned in the Rigveda, it does "give the impression of slowly emerging social classes in their embryonic stage" (p. 18).

These social classes were formed when two tribal groups called the Aryas and the Dasas fused into a society. As these tribes assimilated to form the Vedic society, Dasa came to mean labourer, and later, slave, as generally, Dasas were in a serving position to the Aryas in society (Sharma, 1958, p. 21-22). Sharma (1977) claims that the term varna was originally used for colour and that the Arya were of lighter complexion than the Dasas (p. 49).

Our knowledge of the Dasas, and other tribes from this period, comes from the Rigveda and the Atharvaveda, both of which are Aryan sources (Sharma, 1958, p. 6). Sharma (1958) argues that while generally, Dasas came to be in serving and labour positions, not all Dasas had to be, and Sharma (1958) argues that this allowed some Dasas to become higher varna (p. 19-20). Nonetheless, at this point, caste did not mean division of labour, and therefore, the varna distinction was not occupation-based, but rather the term varna existed because they had been two separate tribes before (Sharma, 1958, p. 18, p. 26; Joshi, 2017)

As these varnas emerged, the two elite classes were the Brahmins and the Kshatriyas, which were primarily composed of Aryas (Sharma, 1977, p. 56). Scholars have since proposed that the rest of the Aryas were renamed Vaishyas, who were primarily merchants, and the Dasas were renamed Shudras, who were primarily labourers (Sharma, 1977, p. 56 - 57; Joshi, 2017). At this point, the association of caste became somewhat occupation based but remained a loose structure rather than a rigid system. It is also generally agreed that the varna system developed under the priests or the Brahmins (Sharma, 1958, p. 30).

Sharma (1958) asserts that works written on Caste, especially early works by Western scholars, have focused on Brahmins and Kshatriyas and their role in society (p. 4). He deliberates that this could be because our humanistic tendency is to focus on the favourable aspects of unfavourable systems, or because early Western scholars were exposed to upper-class accounts of the Caste System (Sharma, 1958, p. 4). Despite the reason, it is important to remember that our understanding of caste in

ancient India is based primarily on scriptures and accounts composed by the upper classes, and the information is presented from their vantage point.

The ideas of the Caste System emerged as early as 1,500 BCE, but as can be seen from the evidence above, it did not come to resemble the Caste System as we know it today until much later but rather created the terms and concepts that we are familiar with. However, understanding the emergence of these concepts is important as it has shaped the system and perceptions regarding this phenomenon today. Ultimately, this has guided not only our perception of the Caste System but also how we choose to battle it through our words, actions and policies.

6.2 The Institutionalisation of Caste

6.2.1 The Mughal Empire. The Mughal Empire was founded in 1526 and ruled India effectively for almost 200 years (Bayly, 2008, p. 40; Malleson, 2010, p. 28). However, during the Mughal Empire, the institution of caste began taking shape, affected by the governing and administrative structure of the Mughal Empire (Malleson, 2010, p. 28; Bayly, 2008, p. 30). The Mughals created a centralised system with provincial and local representation (Josh, 2015). In this governing system, provincial and local powers often went to people of higher castes, and power became associated with royal men and the caste ideal (Bayly, 2008, p. 26).

The association of higher caste with higher, or ruling position during this period shaped dominant jatis, which differed between regions (Bayly, 2008, p. 31). Although caste was not as pervasive in terms of Hindus and how it impacted their life, it was still evident when considering ranks, status, especially among the ruling elites (Bayly, 2008, p. 31). Some jatis chose to accept the Mughal rule and collaborated, and helped the Mughals rule, whereas others chose to rebel and thus became enemies of the Mughal empire (Bayly, 2008, p. 33).

Over time, these lineages were given greater rights because of their connections, which came to be associated with hereditary superiority (Bayly, 2008, p. 38). Furthermore, as these jatis became prominent, it is their values that became the caste values and ideals and became influential across the country (Bayly, 2008, p. 33). Due to these standardisations of jatis, by the 1700s, there were social classifications

that had become embodied in the language of officials, scholars, etc., forming caste into a prevailing institution (Bayly, 2008, p. 40)

6.2.2 The Company Raj. The Mughal Empire began declining in the 1700s, and gradually, India was annexed by the British East India Company which was acting on behalf of the British Empire (Bose & Jalal, 1997, p. 57). The British East India Company directly annexed and took control of the states and allied themselves with princes, which were of higher caste, thereby perpetuating the higher social standing of upper-castes (Metcalf & Metcalf, 2006, p. 72). The East India Company's governance of India built on the Caste System and legitimised it as an institution. The Company adopted constitutional laws influenced by religion and caste, largely divided between Hindu/Muslim laws, with the Hindu laws incorporating other religions in India such as Sikhism, Jainism, Buddhism, etc. (Metcalf & Metcalf, 2006, p. 58) Brahmins were generally accepted as authority figures on Hindu laws and governance matters, and casteist laws influenced by the upper-castes began to take shape (Metcalf & Metcalf, 2006, p. 59).

6.2.3 The British Raj. In 1885, the Indian National Congress was formed, an organisation that wanted independence of India (Metcalf & Metcalf, 2006, p. 136). The British East India Company was dissolved in 1858 after the Indian Mutiny of 1857, and India was incorporated into the British Empire (Metcalf & Metcalf, 2006, p. xxix; Bayly, 2008, p. 121). The British Raj lasted from 1858 to 1947 and added nuances to the institution of caste as shaped by the East India Company (Metcalf & Metcalf, 2006, p. 103, p. 219).

In the 1800s, the British colonial government passed laws that identified Indians based on their religion and caste. Under the British Raj, caste was highly institutionalised and explicitly referred to. For example, in 1871, an all-India decennial Census was created, which ranked and standardised Indians by castes and tribes, and jati and varna were used to identify them. This was also to establish supposed purity, moral worth, etc. (Bayly, 2008, p. 99). The British Raj also passed a Criminal Tribes Act which identified castes on the basis of whether they were more genetically predisposed to crime and violence, and in many cases, members of such castes were

arrested prematurely (Metcalf & Metcalf, 2006, p. 112). This effectively created divides between castes by providing some with preferential treatment and established the institution as a legal and prominent aspect of British rule in India (Bayly, 2008, p. 135).

Although the Indian National Congress had been calling for an independent India since 1858, after WWI, an official movement for independence was launched (Metcalf & Metcalf, 2006, p. xxxi). During the 1920s, Gandhi and Nehru were prominent leaders of Congress, and Congress revolved strongly around the Gandhian principles of Sarvodaya (empowerment of all Indian society) and Satyagraha (non-violent resistance) (Bayly, 2008, p. 356). Congress was characterised by liberal and progressive politics, claiming to value equality, secularism and welfare for marginalised communities.

B.R. Ambedkar, a Dalit who became a famous human rights activist and author, fought for the rights of people disadvantaged by caste (Metcalf & Metcalf, 2006, p. 232). Ambedkar was often in opposition with Congress, and criticized them claiming that they did not want to uplift lower castes in meaningful political ways (Bayly, 2008, p. 259). In 1927, he caused controversy by burning the *Manusmriti* to signify his opposition to caste-oppressed, which enraged pious Hindus (Bayly, 2008, p. 259).

Prominent figures in the independence movement such as Jawaharlal Nehru, B.R. Ambedkar, Subhas Chandra Bose, Rabindranath Tagore, etc. denounced class and caste division and were committed to an independent India without the Caste System as seen under the British empire (Bayly, 2008, p. 260, p. 249, p. 245). It is worth mentioning that Nehru, based on his secular and nationalist politics, did identify caste-based discrimination as an issue but did not agree with placing it on the political agenda (Bayly, 2008, p. 260).

These protests in the 1920s caused the British to change casteist policies, instead beginning a system of positive discrimination by reserving governmental jobs for lower castes (Bose & Jalal, 1997, p. 104-105). This can be seen as an influence for the Reservation policy which exists in contemporary India. There were other instances of Reservation-like policies in pre-independence India, such as in the state of Kolhapur, where free education was provided for all castes as well as attempts for providing more employment in 1902 (Bayly, 2008, p. 239, p. 242).

Gandhi's views towards caste have caused controversy as they were not clear. He has been known to want to abolish the Caste System and uplift the untouchables but has also supported the Caste System and wanted to reform the Caste System instead of abolishing it (Bayly, 2008, p. 249 - 252). Gandhi referred to the lower castes as "Adivasi" (the original ones) and "Harijans" (child of God), and these terms are not used anymore as the lower castes shunned them (Bayly, 2008, p. 249). Gandhi believed that the lower castes, specifically the Untouchables, should be uplifted by social means, such as through religious, spiritual and educational enlightenment (Bayly, 2008, p. 247). He aimed to do this through setting up teaching centres and through his Harijan Sevak Sangh organisation. His views have been criticised as it seems to claim that the lower castes are in need of being "civilised" and would only then be treated the same as upper castes (Bayly, 2008, p. 250).

Gandhi and Ambedkar's opposition and compromise can be witnessed in the Poona Pact of 1932. During the 1920s and 1930s, Ambedkar had begun campaigning for Dalit rights, which was supported by the British Empire. Ambedkar proposed, and the British agreed, that Dalits should have separate representation from upper-caste members in the electoral process. This was highly contested by Congress, and specifically, Gandhi, who vowed to fast until the decision was overturned (Bayly, 2008, p. 262).

Ambedkar and Gandhi compromised and decided that all Hindus would remain in the same electorate and that Dalits would be given representation through the reservation of seats (Bayly, 2008, p. 262). This decision was passed in the Government of India Act of 1935 and provided the basis for Reservation. Although the British had already been identifying people based on caste, in 1936 the first Scheduled Castes list was created with the aim of providing representation, which would also be a feature of Reservation (Bayly, 2008, p. 263).

Over the years, the independence movement continued to change. The ideology was primarily anti-colonial and fought for the freedom of India, but was also impacted by socialist influence, with an emphasis on democracy and economic liberalisation (Metcalf & Metcalf, 2006, p. 271). Ultimately, this led to the India Independence Act of 1947 and the Dominion of India was formed (Metcalf & Metcalf, 2006, p. xxxii).

6.3 Independent India & the Reservation Policy

In 1947, the British Indian Empire was partitioned into the Dominion of India and the Dominion of Pakistan (Metcalf & Metcalf, 2006, p. xxxii). On the 26 of January 1950, the Dominion of India declared its constitution and became the Republic of India, becoming an independent country within the British commonwealth (Metcalf & Metcalf, 2006, p. xxxii, p. 219). Jawaharlal Nehru became the first prime minister of independent India and Dr. Rajendra Prasad became the first president (Know India, 2021).

The Indian constitution was created by the Constituent Assembly, and B.R. Ambedkar had a significant impact on it, specifically the sections relating to the upliftment of lower-castes (Bayly, 2008, p. 270). The Constituent Assembly was composed primarily of Congress members. A large majority of the constituent assembly acted as the parliament of India until elections were held (Manish, 2016).

The Constitution declared India to be a sovereign country. India's constitution came into effect on the 26th of January 1950, and espouses constitutional supremacy, and is unable to be overridden by the Parliament. The constitution declares India to be sovereign, socialist and secure, promising citizens justice, equality, liberality and fraternity (Government of India, 1949). The Constituent Assembly, which drafted the constitution, consisted of 389 elected members of provincial assemblies. Ambedkar is credited with highly influencing the constitution (Manish, 2016).

The constitution also outlawed the Caste System and the practice of untouchability (Metcalf & Metcalf, 2006, p. 232). Article 15 of the Constitution of India prohibits discrimination based on caste and Article 17 declared the practice of untouchability to be illegal (Bayly, 2008, p. 269). To work towards this, the affirmative action policy called Reservation was implemented and formalised with lists of "Scheduled Castes and Scheduled Tribes" (Bayly, 2006, p. 271-272). This policy aims to provide historically disadvantaged groups in India with more representation, specifically within education, employment and policies, by reserving seats, called quotas, within these sectors. These seats require lower qualifications (Bayly, 2008, p. 272).

Part XVI of the Constitution deals explicitly with the Caste System and is titled, "Special Provisions Relating to Certain Castes", which lays the basis for Reservation. Several articles cover reservation quotas in the House of People, Legislative Assemblies of the State, Panchayats (village governing systems) and municipalities. The constitution asserts that the number of reservations set in a state must be proportionate to the population of scheduled caste. None of the percentages is set, and no castes are identified in the Constitution itself. The list of Scheduled Caste is to be compiled at a later date by the President, Commissioner and state representatives, and the state ministers are to set the percentages according to the conditions in the constitution (Government of India, 1949).

The constitution also established the public administration bodies that will be in charge of monitoring Reservation. Article 338 asserts that a special officer will be appointed by the President, who will oversee the safeguards and efficiency and report to the President. Article 336 and 334 of the Constitution asserts that every two years after the implementation of Reservation, the Reservation quotas should decrease by 10%, and after 10 years, Reservation should cease altogether. After these initial 10 years, the President is required to appoint a commission to report on the progress of Reservation (Government of India, 1949).

Reservation is divided between and applies to 3 groups: [1] Scheduled Castes (SCs) applies primarily to castes below the Shudras, the Dalits who were repressed by Untouchability, [2] Scheduled Tribes (STs) applies to people outside of the Caste System but historically disadvantaged and [3] Other Backward Classes (OBCs) applies castes that are backwards due to socio-economic factors (Chalam, 2007, p. 45-46). OBCs were not originally included in this group but were incorporated in 1987 after the Mandal Commission recommendation (Metcalf & Metcalf, 2006, p. 274). The constitution defines "Scheduled Caste" as "castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purposes of this Constitution" (Government of India, 1949). The Scheduled Caste comprised primarily Dalits.

In 1959, Nehru extended the Reservation policy by 10 years through amending the constitution. This has been repeated every decade since, and the policy is currently extended until 2030 (Government of India, 2020). The explanation for the

amendment cites "Although the Scheduled Castes and Scheduled Tribes had made considerable progress in the last ten years, the reasons which weighed with the Constituent Assembly in making provision for the aforesaid reservation of seats and nomination of members had not ceased to exist" as the reason (Pant, 1959). The same reason is cited in the next six amendments (Prasad, 2019). As aforementioned, Nehru did not agree with the idea of Reservation and considered it inefficient. In his letters, he claims, "let us help the backward groups by all means, but never at the cost of inefficiency" (Parthasarathi, 1989).

The Mandal Commission, also known as the Socially and Educationally backward Classes Commission (SEBCC) was established in 1978 to identify lower caste members who were lacking opportunities, to provide more reservation to those groups. This Commission estimated that Backward Classes comprised 54% of India's population and recommended that 27% of seats should be reserved for OBCs in the public sector (Bayly, 2008, p. 295). In 1992, the Supreme Court ruled that Reservation must not exceed 50% as that would be contradictory to free access to all. However, there are many state laws that do not follow that ruling (Bayly, 2008, p. 301).

As of 2020, the Constitution provides a maximum 10% reservation to "Economically Weaker Sections" (EWS), and defines them as: "economically weaker sections shall be such as may be notified by the State from time to time on the basis of family income" (Government of India, 2020). Majorly, this category consists of poor upper castes members. The establishment of these categories, specifically OBC has led to the formation of the "Creamy layer". The creamy layer is a term in Indian politics that refers to members of castes that are classified as backwards and receive benefits due to their categorisation but are socially and economically privileged (Bayly, 2008, p. 277).

Although the organisations dealing with Caste, Backwards Classes, etc., have changed in the period 1950 - 2021, as of 2021, it is the Ministry of Social Justice and Empowerment (hereafter the Ministry) that is responsible for taking care about caste-related policies. The Ministry of Social Justice and Empowerment was created in 1985, with a division entitled Backwards Classes Division which deals with policy, planning and implementation of welfare related to Scheduled Caste and OBC.

Created in 1986, the Ministry controls the constitutional body of the National Commission for Scheduled Castes (Ministry of Social Justice and Empowerment, 2021b). The Commission is tasked with investigating and monitoring safeguards placed to ensure Reservation and manage complaints from the public. It is also tasked with evaluating and developing the Reservation policy, as well as recommending changes and producing annual reports (Government of India, 2020). The Supreme Court decreed that Reservation cannot exceed 50%, allowing for only 50% of seats in public employment and educational institutions to be reserved (Kini, 2021).

Although Reservation was the first policy to deal with caste-based discrimination, and is still the most well-known and controversial, other schemes and policies have been developed over the years. These policies primarily provide access to education through scholarships, access to financial aid, funds to promote entrepreneurship, etc. Furthermore, several social empowerment acts have been passed such as the Prevention of Atrocities Act of 1989 to prohibit caste-based violence (Vikaspedia, 2021). These policies are separate from Reservation and not in the scope of this thesis.

Narendra Modi is the prime minister of India, who was born in a caste that is now categorised as OBC (DNA, 2014). The Modi administration has passed three amendments relating to the Caste System; extending Reservation until 2030, granting constitutional status to the OBC Commission and providing Economically Weaker Sections with a maximum of 10% reservation (Government of India, 2020). Some media articles have depicted Modi as someone who used his lower caste identity for votes and failed to keep his promises, whereas others have discussed his vision for an India without caste (Bagri, 2019; Business Standard, 2019).

This policy has received widespread criticism and backlash from both upper and lower castes alike. The government has been accused of a failure to control seats and review and adjust policies, which has caused more division in society (Bayly, 2008, p. 277, p. 305). Some of this criticism is on the basis of religion and not caste, and is therefore, not under the purview of this thesis. There were protests against the Mandal Commission in 1990, as well as anti-reservation protests and protests demanding more reservation, which continues to the present day (Metcalf & Metcalf,

2006, p. 267; Outlook, 2006; India Today, 2019; The News Minute, 2016; Capron, 2012).

7. Analysis

This section will answer the research question by analysing the Reservation policy in the period 1945 - 2021. This will be done by analysing the Indian constitution, policy documents (outlined in Section 3) and historical accounts through the method of public policy analysis. These will be analysed with reference to agenda-setting, policy formulation and policy change. This section will also use historical institutionalism and supplementary concepts from feminist institutionalism to understand how and why Reservation has changed or remained the same. Previous research and scholarly articles are utilised to aid the analysis.

Section 7.1 will analyse the adoption of Reservation by analysing agenda-setting, policy formulation, agency and path dependence during the period 1945 - 1950. Section 7.2 will analyse the policy formulation of Reservation in 2021 and thereby outline the significant policy changes. Lastly, Section 7.3 will analyse these policy changes with reference to events outlined in Section 6. These changes will be analysed through policy change concepts outlined in Section 4 and 5. Through this structure, I begin by identifying the policy at its adoption, identifying significant policy changes and then analysing these changes to determine how and why Reservation has changed from 1950 to 2021.

7.1 Adoption of Reservation, 1950

7.1.1 Agenda-setting. This section will analyse the agenda-setting of Reservation, by analysing how caste-based discrimination was established as a social and public problem and moved to the political agenda. In order to do this, I will identify and analyse policy entrepreneurs, their agency and their role in creating Reservation. This thesis uses a historical perspective and acknowledges that historical events influenced agenda-setting. Although this thesis will refer to historical events outlined in Section 6, the scope for this section is 1945 - 1950 to allow for a concise analysis.

The concepts of agency, path dependence, critical junctures and Kingdon's 3 streams are used to shed light on agenda-setting throughout the analysis.

The agenda-setting of Reservation was guided by prominent political actors in the Indian Independence Movement and their ideologies and philosophies; the zeitgeist of the Independence Movement. As India had been under foreign rule for centuries, it was possible for prominent actors to completely reimagine the country and its systems, and Reservation was a part of this reimagined, newly independent sovereign nation. Nonetheless, there are certain path-dependent tendencies in Reservation, which will be analysed later.

Caste-based discrimination had been identified as a social and public problem since the beginning of the Independence movement, and most prominent leaders of the movement were against caste-based discrimination (Bayly, 2008, p. 260). However, I would identify Mahatma Gandhi and B.R. Ambedkar were the key policy entrepreneur of Reservation. Although there were other influential political actors, Gandhi and Ambedkar took the most prominent views on the Caste System.

Through the Triangle of Policy Actors, we can determine that the political administration are the prominent leaders who shaped the Independence movement and went on to shape the Indian constitution. As mentioned in Section 6, their interests, broadly as a collective, were India's independence and equality for all. However, it is vital to remember that most of these people were upper-caste males with relatively high social standing, and although they could have had the best of intentions, the institutions created by them would reflect their norms and values which might not identify with the end beneficiaries of the policy, even constraining the end beneficiaries. This is discussed further in Section 7.3.

The target group or "losers" of this policy were broadly members of the upper-caste, and the end beneficiaries or "winners" of the policy were the lower-castes. As aforementioned, this group primarily comprised Dalits. Although this policy was created for Dalits, their input as a collective community was not sought.

When considering agency in agenda-setting, it is important to reflect on the dynamic between individual agency and collective agency. Individual actors and collective actors must act in collaboration in order to create a change. While individual actors can influence decisions, collective actors can consolidate the

decisions and changes. However, as agenda-setting deals with how problems are brought to public attention and the political agenda, I argue that Gandhi and Ambedkar's views were well-known and therefore, influenced the agenda-setting. In the next sections, I consider collective agencies such as the Constituent Assembly, Indian National Congress, etc.

Although both Gandhi and Ambedkar contended that caste-based discrimination was a problem, their stance on how it should be combatted differed (Bayly, 2008, p. 260). Gandhi considered caste-based discrimination to be a social problem whereas B.R. Ambedkar considered it to be both a social and political problem. The opposition between Gandhi and Ambedkar created the agenda-setting for Reservation, with input from Nehru who influenced the constitution. Over the next few paragraphs, I will outline the actors' views and how they shaped the agenda-setting, with reference to the actors' agency.

Gandhi believed that the lower castes, specifically the Untouchables, should be uplifted by social means, such as through religious, spiritual and educational enlightenment (Bayly, 2008, p. 247). His views have been criticised as it seems to claim that the lower castes are in need of being "civilised" and would only then be treated the same as upper castes (Bayly, 2008, p. 250).

To analyse Gandhi as a political actor, we have to consider his privilege, and how his intersectional identities could colour his opinions. Gandhi was born to a Hindu family from the Vaishya caste. His father was a diwan (chief minister) of the state, which gave the family some privilege. He studied law in London and moved to South Africa where he lived until he returned to India to participate in the Independence Movement (Goyal, 2020).

He is said to have been influenced by his highly religious mother. This can be seen, for example, in his opinion that the principle of varna is an egalitarian law of life (Bayly, 2008, p. 251). He condemned parts of the Caste System, such as the notion of Untouchability, however, he defended and legitimised other aspects (Bayly, 2008, p. 253). We could argue that these opinions are due to his privileged caste position and access to education and social mobility, which form his interests and agenda as an actor.

Ambedkar, on the other hand, identified the Caste System as a political problem and campaigned for political provisions for lower castes, which he hoped would eventually lead to the abolishment of the Caste System as an institution. He referred to the untouchables as "Dalits", which is the word that has been adopted by the community (Bayly, 2008, p. 254). Ambedkar also launched organisations such as the Depressed Classes Federation in 1930 to combat the Caste System, yet he focused exclusively on formal institutions and political systems. He took strong opposition to Gandhi and the Congress, asserting they were not helping the lower castes in meaningful ways (Bayly, 2008, p. 259).

As with Gandhi, we must also analyse Ambedkar as an actor. Bayly (2008) asserts that Ambedkar was "India's first Western-educated and professionally qualified "untouchable"." (p. 257). Ambedkar wrote prominent works such as "The Annihilation of Caste" and worked as a provincial legislature. He was born to a Dalit family and faced socio-economic discrimination growing up (Bayly, 2008, p. 257).

It is important to analyse Ambedkar's intersectional identities. He was a Dalit, and discriminated against, but was provided with the privilege to get an education, through which he rose to prominence as a scholar and was able to participate in India's Independence Movement as a prominent political actor. His Dalit identity and experience with discrimination allowed him to speak authentically about caste-based discrimination.

It is important to examine these actors with reference to their agency and intersectional identities. Most of the political actors, including Gandhi and Nehru, at the forefront of the independence movement, were of higher castes (Bayly, 2008, p. 253). As espoused by feminist institutionalism, privileged actors have more access to political systems and can therefore create the rules of the games. The exclusion of marginalised actors can create institutions with exclusive structures.

The involvement of Ambedkar in shaping Reservation and the Constitution provides some agency for lower castes, however, I would argue, not enough. As actors either act in their own self-interest or in accordance with their world-view and perception of reality, guided by their intersectional identities, the agenda-setting for Reservation is created with limited input from the actors/groups it is geared towards. Nonetheless, by the time the constitution was being drafted, Gandhi had been

assassinated which afforded Ambedkar more freedom in drafting the constitution, as his major opponent was no longer alive.

Although individual actors such as Gandhi and Ambedkar shaped the agenda-setting, we can also consider the Constituent Assembly to be a collective actor. As outlined in Section 6, the members of the Constituent Assembly fluctuated. Although Gandhi was missing from the Constituent Assembly, it was composed primarily of Congress members, and we can argue that the agenda-setting was influenced by the Congress. As the Congress followed the principles and values espoused by Gandhi and Nehru, we can argue that these individual actors primarily set the agenda-setting of the Constituent assembly.

India gained its independence on the 16th of August 1947, which can be categorised as a "focusing event" in accordance with Kingdon's 3 streams concept. The attainment of independence and Dominion status allowed for a critical juncture when problems, policy and politics could be combined. As India was going to create its own constitution, a "window of opportunity" opened, and the policy of Reservation was allowed to be created and adopted. This was a defining critical juncture, and the choices made during this period would create path dependence, which will be elaborated on further below.

To determine agenda-setting, we must identify the problem and how actors decide to solve it. Through the above analysis, we can understand that the agenda-setting for Reservation was established through compromise between prominent individual actors such as Gandhi, Ambedkar and Nehru, and the Constituent Assembly, which was composed primarily of Congress members. Caste-based discrimination was identified as a public and social problem in the 1800s but placed on the political agenda in 1935 after Ambedkar fought for it which resulted in the Government of India Act 1935. Eventually, after India was granted independence, this mixture of different views and path dependence from 1935 shaped the Reservation.

Until explicit policy formulation, the agenda-setting was focused on the abolition of untouchability and the end of caste-based discrimination through special electoral representation for historically disadvantaged groups, as had been done in British India (Bayly, 2008, p. 260). This agenda-setting for Reservation was

surrounded by the guiding themes of independence, nationalism, sovereignty and secularism (Bayly, 2008, p. 265). This agenda-setting would ultimately be operationalised, altered or abandoned during the policy formulation stage.

7.1.2 Policy formulation. This section will analyse the policy formulation of Reservation. I will begin by analysing mentions of Caste and Reservation in India's Constitution of 1950. Next, I will consider the operational elements and objectives of Reservation, with a special focus on instruments and actors. The constitution provides the basis for the Reservation policy and is, therefore, the primary document analysed in this section.

The Constitution addresses Caste in terms of fundamental rights, special provisions and with regards to state policy. Article 15 contends that no one will be discriminated against on the basis of caste, and Article 17 abolishes the practice of Untouchability, which is punishable by law. As aforementioned, Scheduled Tribes are not in the purview of this thesis. The constitution defines "Scheduled Caste" as "castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purposes of this Constitution" (Government of India, 1949).

This general definition of Scheduled Castes is broad and vague. However, at a later date, a list of castes who are categorised as Scheduled Castes is to be compiled. Nonetheless, the Constitution identifies the basic problem and promises a solution. The operationalisation and this formulation are broad and vague which could cause confusion for the public administration.

Briefly, it is worth noting the words established to these groups; these groups were described as "the Depressed Class/Caste" during the British Raj, which was reformulated to "Scheduled Caste/Tribe" and was also referred to as "the Backwards Class/Caste". It has been previously discussed that the idea of labelling, categorising and creating explicit laws are tendencies that were inherited from the British Raj and are a path-dependent feature. These category names can have two effects, [1] dehumanising the groups by referring to them as a list, schedule and essentially reducing them to a task, and [2] establishing this group as inferior to upper-castes through dichotomous terms as backwards and forwards classes/castes.

To consider the policy instruments of Reservation, which is the techniques used to administer the goal, the main instrument used is quotas; setting aside a percentage of seats for representation in public employment and educational institutions. The Scheduled Caste List is used as a tool to keep track of the Castes, but the only prominent instrument is quotas. Reservation is a compulsory instrument, as it is legal and administered in the constitution. This means that the government expected resistance against the policy and the state involved with this policy is high.

To categorise the instruments through the policy instrument theory, the instruments used are authority and organisation; Reservation is legal and is enforced through an organisational system by setting quotas. As formulated in 1950, although authority is used by punishing untouchability through law and creating the policy of Reservation, the organisation level seems low as only one officer is appointed to deal with Scheduled Castes and Tribes. This could potentially lead to policy stagnation, revolt against the policy and ultimately policy change.

As for the goals and objectives of Reservation, the Constitution asserts that every two years after the implementation of Reservation, the Reservation quotas should decrease by 10%, and after 60 years, Reservation should cease altogether. After these initial 10 years, the President is required to appoint a commission to report on the progress of Reservation (Government of India, 1949).

Through these above articles, the Constitution establishes a plan for the evaluation of Reservation, identifying relevant public administrators for evaluation and providing a specific time period. These can be identified as useful evaluation instruments. The goal of the policy is presented as a theme in the entire constitution, which is to promote a casteless society that functions with equality. Before that can be accomplished, the goal of the reservation is to increase the representation of disadvantaged groups and to further their economic and educational interests.

The constitution also established the public administration bodies that will be in charge of monitoring Reservation. A special officer will be appointed by the President, who will oversee the safeguards and efficiency and report to the President. Thereby the Constitution establishes public administration and management actors for the Reservation Policy. The central government and state governments are

required to approach the Commissioner with policy matters regarding Scheduled Castes (Government of India, 1949).

To categorise the policy actors based on the Triangle of Policy Actors; the Commissioner is effectively the political-administrative authority, with the President and governmental ministries acting as indirect management as they are allowed to submit proposals to the Commissioner. Furthermore, the constituent assembly that created the Constitution can also be seen as the political-administrative authority, as they created the policy, thus creating the path dependence of it as well. The losers would be any caste not included in the Scheduled Caste/Tribe categories, as their quotas in public employment and education are reduced. The winners would be all the Castes identified as Scheduled Caste as they would gain representation, theoretically.

As aforementioned, Reservation has been criticised for being paradoxical in nature as it aims to abolish caste but acknowledges caste in doing so. However, in order to tackle a problem, we must first recognise that it is a problem. The path dependency of an institution persists as it's embedded in a larger institution, e.g. the Caste System is viewed to be a part of Hinduism. Furthermore, actors get accustomed to such institutions and after they are translated to informal institutions, it is increasingly difficult to change the path.

We can recognise other aspects of path dependence as well. For example, the central government and state government system followed in India is inherited from the Mughal system and impacts Reservation. Although the constituent assembly and the central government set the provisions for Reservation, the state governments are the ones implementing it. Therefore, they become direct actors as well. This can affect the authority of the Commission Officer. These ideas will be analysed and discussed in Section 7.3 to illustrate policy change and continuity. Nonetheless, the independence of India and the opportunity to write a new Constitution provided for the critical juncture to pivot.

7.2 Reservation in Contemporary India, 2021

This section will analyse the policy formulation of Reservation in 2021. In Section 7.1, I identified the agenda-setting and policy formulation of Reservation at

its adoption, and in this section, I will identify the policy formulation in 2021 to comment on policy changes in Section 7.3. In this section, I will analyse Reservation as depicted in the most recently amended Constitution (2020) and based on policy documents identified in Section 3. This is analysed with reference to operational elements, instruments and actors. The constitution in this section refers to the most recently amended constitution unless otherwise specified.

As aforementioned, there have been amendments to the Indian Constitution as of 2021, which has created several changes in the policy formulation of Reservation. Although there are several small changes such as change of phrasing, adding explanations, adding more castes to the list of Scheduled Castes, there are three main changes to policy formulation that I will analyse in this section: [1] the extension of Reservation, [2] the creation of other categories entitled "Other Backward Class" and "Economically Weaker Sections" and the creation of the constitutional body of National Commission of Scheduled Caste.

As aforementioned, the 1950 constitution asserted that reservation and special representation will cease to exist after 10 years, and as of 2021, Reservation have been extended until 2030. This extension over a 70 year period points to a flaw in the policy. Although the Mandal Commission Report reflected on Reservation and addressed flaws in categorisation and a change in percentage, it did not recommend a change in the policy instruments or definitions. Furthermore, although the 1950 constitution called for Reservation quotas to be decreased by 10% every 2 years, there have been no reductions. Since the Mandal Commission Report of 1980, there has been no official evaluation project. Based on these observations, it may be that the policy needs to be evaluated more frequently.

Another major change from the 1950 constitution is the creation of another category, Other Backward Class (OBC), in addition to Scheduled Caste and Scheduled Tribe. This category includes "educationally and socially backward" castes who were not included in the Scheduled Caste. This category does not have to be exclusively Hindu, it can also include other religions. While the Scheduled Caste comprises mostly Dalits, the OBC includes primarily Shudras. The "Economically Weaker Sections" (EWS) were also created and comprised primarily of upper-caste members who are economically weaker.

The establishment of more categories, especially ones that are not exclusively to do with Caste, deviates the attention away from the Caste System and points to a broader, more general inequality. The definitions for all the categories are increasingly vague. Although, they can be administered as Castes are specified by name. The creation of the OBC, as well as general management of Reservation, has led to the creation of the Creamy Layer which was explained in Section 6.3. This group of people can be identified as the "indirect winners" of the policy, which creates animosity between upper-castes and lower-castes, as well as creates hostility towards the government.

The last major difference between the 1950 and the 2021 policy formulation is the creation of National Commissions. The 1950 constitution allowed for one officer to manage matters relating to Scheduled Castes and Tribes who reported to the President. Over the years, different organisations have existed, but as of 2021, there are three constitutional national commissions, one for SC, ST and OBC.

The public administration tasked with monitoring the abolition of the Caste System and the upliftment of disadvantaged groups have increased. As mentioned, along with these categories, the National Commission of OBC was also created. As of now, there are three constitutional commissions tasked with overseeing the progress of these categories, one for OBC, SC and ST. These are monitored by the Ministry of Social Justice and Empowerment (The Ministry, 2021b). This can be viewed as a positive development as this is the abolition of a 3,000-year-old institution is complex. However, we can also consider organisational issues, bureaucracy and stagnation of policy as an effect.

Furthermore, as over the years, more castes have been added to the Scheduled Caste list, and the addition of the OBC category has caused reservation quotas or percentages to change. The manner in which reservation is determined remains the same, and states adjust the percentages accordingly. Nonetheless, the percentages have been controversial in some cases, resulting in public disagreement and revolts, outlined earlier in Section 6.3, which will be discussed in the next section to explain policy change.

Although the Reservation policy has changed through the years, it has also remained the same and stagnant. Although new categories have been created, and

the Scheduled Caste list and percentages updated, the same policy instruments have been used throughout this period and policy has been continuously extended with no end in sight. Furthermore, the operational elements, goals and scope of the policy are broad and ambiguous. Based on these points, it seems that the Reservation policy is stagnant and ineffective in dealing with caste-based discrimination. The next section will reflect on policy changes and continuity, explaining how and why this policy has changed and offering explanations for lack of change.

7.3 Change and Continuity, 1950 – 2021

Section 7.1 established the agenda-setting and policy formulation of Reservation when it was adopted, and Section 7.2 illustrated how the policy formulation has changed. This section will analyse how and why the policy has changed. In this section, I will be utilising historical accounts and previous research to explore how and why Reservation has changed from its adoption to the present day. I will be using tools from public policy analysis to analyse how and why Reservation has changed. Additionally, I will be using concepts from historical institutionalism to explore policy change, and feminist institutionalism to explore the impact of agency on policy change.

7.3.1 Policy change. The two major changes to the policy formulation of Reservation is the creation of OBC and ESW categories, and the creation of the National Commission of OBC. The second change discussed in this section are the Caste Lists, OBC lists and changing quotas through the years. In this section, I will discuss how these changes came to manifest and why. This section also discusses the implication of these changes and what they could mean for policy change or stagnation.

The OBC and its commission were established because of the Mandal Commission Report. This report was published as it was sanctioned in the constitution. While this report established the OBC and gave representation to a new category, it lacked suggesting a reason for the extension of Reservation or any amendments to the existing instruments or processes. Furthermore, after this was carried out, no follow-up evaluation was scheduled.

Thereby this thesis argues that this change occurred because the original Constitution and policy formulation had set an evaluation marker to adjust the policy. As the policy formulation clearly stated that Reservation must be evaluated, the Mandal Commission was expected to form and create a change. The original policy formulation has then defined the pivotal changes of Reservation. Nonetheless, as argued in Section 7.3.1, the operational elements of the policy are ambiguous.

The Mandal Commission also had other consequences, which have not resulted in changes yet but might in the future. The Mandal Commission sparked protests and riots across the country in the 1990s after its suggestions were implemented. The violence of these protests showcases the resistance shown by the upper-castes in reference to Reservation. This also establishes a further divide between the accepts and accentuates the concept of caste, making it more predominant in Indian society. Essentially, the Caste System has changed from being a formal institution to an informal institution that guides social relations and dynamics as there is a divide between the groups due to Reservation.

The Mandal Commission Report and the formation of new categories also created the problem of the "creamy layer", which is outlined in Section 6. The creamy layer further enraged the public and created animosity and ambiguity surrounding the Reservation. This ambiguity stems from poorly detailed operational elements that have not been revised sufficiently and allow for more tension to build. These tensions could potentially create policy change in the future; as Kingdon's 3 streams claim, if problems, policies and politics are aligned through a critical juncture, a policy change can occur.

Therefore, if these tensions could heighten the problem enough to receive attention on the political agenda, Reservation may be modified. I would argue that it would not be terminated altogether as Reservation has been a dominant policy in combatting caste-based discrimination and other policies build upon it. However, the policy instrument of quotas could be adapted or exchanged for a new policy tool altogether.

Furthermore, the changes in the management of Reservation caused by the Mandal Report can also cause friction and resistance in the functioning of an organisation. The managerial organisations of Reservation have evolved from one

commissioner to the Ministry. The Ministry has been in control since 1986, but has not added to the Reservation policy or amended it. The Reservation policy, at this point, does not have a decided end date.

As of 2021, there are many departments and organisations that work with caste-based discrimination which increases bureaucracy and processes, which can make change more difficult. This could also relieve the pressure of dealing with Reservation for the central government as other agents are in charge of monitoring Reservation. This could further elongate the process of policy change arriving on the political agenda as more steps are added to the process.

Lastly, several Acts and Schemes relating to combatting the Caste System (outlined in Section 6) have been passed. Therefore, it would seem that the focus of the organisations dealing with caste-based discrimination is not on amending Reservation in terms of its structure or tools, but rather on implementing complementary policies and creating a system of policies that work together. However, I would argue that if the main policy, Reservation, stagnates, the complementary policies would follow suit.

Secondly, over the years, the percentages and castes on the Scheduled Caste List are adjusted. The percentages are adjusted by the state governments, and the castes to be added to the list are proposed by the state government and ratified by the Commission and the central government which amends the list. This structure of the government is inherited originally from the Mughal empire, which allows state governments to administer Reservation as fitting for their population. However, as mentioned in the Contextual Background, the Supreme Court capped Reservations at 50%, allowing for only 50% of seats in public employment and educational institutions to be reserved.

The caste list and percentages are updated every decade. These percentages are to be set in proportion with the population of Scheduled Castes within a given state. Capping the Reservation at 50% is thus contradictory to the terms laid in the constitution, and should lead to a re-evaluation of the policy. This also raises the question of transparency and auditing. No auditing organisation or company is assigned to audit state reservations, and without bureaucratic accountability, we cannot be sure of transparency and procedural commitment.

It is natural that due to population and demographic change, as well as social change, that the castes that are disadvantaged should change, and that the percentage be adjusted. However, these changes can create animosity between groups and result in spillover and feedback which have either already impacted the policy or maybe creating tension that will impact the policy in the future, e.g. according to Kingston's three streams, when policies, problems and politics combine, policy change can occur. In this way, the tension may be building and could manifest at a critical juncture.

The changes in quotas and Caste List can create feedback spillovers which may lead to policy change. The concept of punctuated equilibrium claims that media has a large impact on creating feedback loops as they portray or claim to portray the opinion of the public and criticise/praise the government. The media thereby impacts public opinion and pressures the government. Due to issues with the creamy layer and ongoing debate and tension regarding Reservation, the tensions are high. These heightened tensions could potentially lead to a critical juncture that would allow for politics, problems and policies to combine.

7.3.2 Policy continuity. This section will analyse and propose reasons for the continuity within this policy. Reservation has not changed substantially in the period 1950 - 2021, and I argue that this has occurred due to poor policy formulation and a lack of revision and evaluation. Furthermore, I argue that the reason behind this is path dependence, the pervasiveness of the informal institution of the Caste System and a lack of critical junctures.

As identified above, one of the biggest changes to the policy formulation has been the extension of the Reservation policy. As aforementioned, Nehru extended the Reservation policy from 1959 until 1970. This has been repeated every decade since, and the policy is currently extended until 2030. The same reason has been cited for the extension. A reason to explain the continual extension of this policy is poor policy formulation due to broad and vague definitions, operational elements, objectives and goals.

The goals and objectives established in the Constitution, the basis of Reservation, are to become a casteless and equal society. These goals are absolute

and do not include any milestone markers, which does not allow us to see how far the policy has come and how much farther it must go. It does not allow us to evaluate the policy. Although the intention to lower reservation by 10% every two years is present in the constitution, it has not been administered or mentioned by the public administration (Government of India, 2020).

The definitions of the groups that Reservation applies to primarily describes them as historically disadvantaged and backwards. In contrast with the goals which are set in absolute terms, this definition is rather vague. Although a large committee meets to establish which groups of people are "backwards" and "historically disadvantaged", there should be clear criteria to meet for all public administrators to be on the same page. This vagueness also results in the creamy layer and creates public ambiguity, leading to hostility towards the policy and ultimately, tension.

As previously mentioned, the only policy instrument used by the public administration is legal power and formal organisational arrangements and the mechanism of Reservation. The government does not use information or money to aid Reservation. With compulsory measures such as these, the government involvement has to be high as the government has anticipated friction. If the government did not anticipate friction, then compulsory methods would not need to be used. However, the government involvement does not seem to be high, which could be a reason for the stagnation of the policy.

Another reason for this extension and lack of change to the policy instruments could be that Reservation has not been evaluated thoroughly and does not have sufficient evaluation tools operationalised at the conception of the policy. The policy was been evaluated by the Mandal Commission in 1980, which did not alter any policy instruments. Although the Ministry evaluates the policy through its annual reports, it primarily surveys the impact and does not propose changes (The Ministry, 2021) There is no scope defined for this policy, as it can be extended until the public administration sees fit. I argue that the first extension of the policy set a precedent, and resulted in path dependence.

The path dependence of Reservation can be seen to have begun in 1935 after the British Empire passed the India Government Act of 1935 granting electoral representation to disadvantaged groups. As aforementioned, this was Ambedkar and

Gandhi's compromise, and therefore formed the basis for Reservation. After Reservation was implemented and extended in 1960, the path dependence of extending Reservation was established. Furthermore, there has been a lack of focusing events that have called attention to Reservation.

Although attention has been called to caste-based discrimination, resulting in acts such as the Prevention of Atrocities Act of 1989, there has been a lack of focus on Reservation as a tool to combat caste-based discrimination. This could be because of Reservation's path-dependent nature, as it would be difficult to dismantle the quotas that have existed for more than 70 years.

It is also important to consider the potential vested interests of the public administration, especially in reference to the extension of the policy. The Modi administration has made amendments to Reservation, outlined in Section 6. These changes have not been substantial or changed the structure of Reservation. Analysing the central government does not allow us to comment on policy change as they are not in charge of provisions to the policy.

Therefore, Modi cannot be considered a primary actor in influencing Reservation. As he is the prime minister, he has the power to impact the policy. However, there are many things on the political agenda and caste-based discrimination falls in the purview of the Ministry of Social Justice and Empowerment. Therefore, we can ascribe the lack of change in the policy to a lack of critical junctures in placing Reservation and caste-based discrimination on the political agenda for Modi to act upon.

Some media articles have depicted Modi as someone who used his lower caste identity for votes and failed to keep his promises, whereas others have discussed his vision for an India without caste (Bagri, 2019; Business Standard, 2019). However, analysing Modi's intersectional identities as a prime minister with power and a Dalit does not allow us to generalise to the Modi administration in the same way that analysing Gandhi and Ambedkar did. This is because while Gandhi and Ambedkar shaped and created the policy, Modi is a passive actor, as more organisations have been created for management.

Nonetheless, despite Modi's passiveness, his intersectional identities do impact the public, as it could impact their perception of him. Dalit communities could

be angered as caste-based discrimination continues and Modi is perceived as not acting in protection of those communities. Similarly, upper-caste communities may believe that Modi acts in the favour of lower-castes too often because of his identity.

Another important dimension to consider is the interaction of the formal and informal institutions. As outlined in Section 6, there have been riots and revolts against Reservation by both upper castes and lower castes. While lower castes have primarily addressed poor management of Reservation, which was discussed above, upper castes have complained about vote-bank politics and lack of focus on merit. The upper caste's complaints criticise the government's intentions and agenda; they claim that Reservation is provided to gather political support and deprives the society of fair opportunity to secure employment or education based on merit. These complaints can be analysed to understand the social norms and values of the upper castes which cause their displeasure.

8. Discussion & Conclusion

This section will provide a conclusion and discussion, and I will begin by summarising the purpose, method, theory and findings of this thesis. Additionally, I will also discuss the findings from the analysis, with a focus on their meaning and importance for caste-based discrimination and the Caste System. These findings will be discussed with reference to the disadvantages of my analytical approach. Lastly, I will summarise how my findings answer the research question and add to academic discourse and conclude this thesis.

This thesis has aimed to answer the research question, "how and why has the policy of Reservation in India changed since its adoption in 1950?". As Reservation has existed in India for over 70 years, I wanted to analyse the change and continuity in this policy to understand where the flaws of the policy lay. In order to amend policies or to propose new policies, it is pertinent to understand the ones currently in place.

This thesis operated in an interpretivist paradigm and took a historical approach to answer the research question. In order to answer the research question, the Reservation policy was analysed through the method of public policy analysis and

the theory of historical institutionalism, with supplementary concepts from feminist institutionalism. The primary documents analysed was the constitution of India from 1950 and 2021, and several supplementary policy documents and reports. Historical accounts and past research papers aided the analysis.

The analysis began by establishing the agenda-setting and policy formulation of Reservation in 1950, to establish what the policy of Reservation was at its adoption in 1950. This agenda-setting of Reservation in 1950 was focused on independence, and the independence zeitgeist which brought themes of secularism, freedom, liberty, equality, etc. Caste-based discrimination was on the political agenda by 1935 and Reservation was included in the Indian constitution in a similar manner as it had been incorporated in British India, which has lead to path dependency. The policy formulation of Reservation is broad and vague in terms of objectives, goals, definitions and operational elements.

Next, Section 7.2 analysed the policy formulation in 2021 to comment on the changes in the policy since 1950. This section outlined the major policy changes in the period 1950 - 2021, which were the extension of Reservation, creation of new categories and organisations, as well as the adjustment of the Scheduled Caste list and reservation quotas.

These policy changes were analysed to ascertain how and why the policy of Reservation had changed between 1950 - 2021. It was analysed that Reservation had been extended for over 70 years due to path dependence and a lack of critical junctures. Although the media and the public had been building tension by voicing their complaints and concerns, no policy change has occurred. However, if this were to continue, then based on Kingdon's 3 Streams and Jones & Baumgartner's punctuated equilibrium, the combination of problems, policy and politics along with spillover could create policy change. Nonetheless, this has not transpired yet, perhaps due to a lack of focusing event as well as the presence of many distractions for the public administration.

It was also speculated that the social norms and values could be maintaining the Caste System and caste-based reservation, especially due to the reservation vs. merit debate. Reservation, in essence, has made caste an important informal institution that actors use to identify each other and their social dynamic, especially in

terms of education and public employment. Furthermore, it was also found that Reservation quotas were the only tools used, and no evaluation mechanisms were installed over this period which has caused policy stagnation and ultimately inefficiency.

The analysis concluded that while Reservation has changed in some aspects, such as the creation of new categories and organisations, it has primarily remained the same in terms of its goals, instruments, operational elements and basic structure. This has led to the stagnation of the Reservation policy and ultimately its ineffectiveness. This thesis concluded that this is due to path dependence, a lack of critical junctures that provided an opportunity for problems, policies and politics to combine and the pervasiveness of informal institutions surrounding the Caste System. Additionally, a lack of an evaluation system for Reservation makes policy change more difficult.

These findings show that the policy formulation of Reservation needs to be more specific, which could be accomplished by evaluating the policy every couple of years, and defining elements of the policies such as the categories and criteria more rigidly with special exceptions. Furthermore, additional instruments such as the use of knowledge could be used to combat and dismantle the informal institutions surrounding caste. Analysing path dependence and introducing other mechanisms in addition to reserving seats could also be helpful.

These findings are meaningful to understanding Reservation and proposing changes, as it allows us to pinpoint the areas that have been resistant to change and work with them. This is not to say that this analysis is the answer to fixing Reservation, but rather that it offers a starting point to consider changing certain elements. Furthermore, as this analysis considers the historical and institutional perspectives, these findings are based on a long-term scope which allows us to find and work with more patterns; extensions, lack of evaluation, resistance, etc.

Based on the discussion above, this research question is a relevant first step in understanding Reservation and thereby creating change. However, there are some disadvantages to my analytical approach. As this thesis dealt primarily with agenda-setting and policy formulation, it did not analyse the policy implementation on the ground level. Therefore, although the findings point to policy problems, they cannot

comment on practical implementation and impact on the public. Due to this, it is difficult to make claims about how the Commissions and public administration could better engage with the public or practical application of the policy.

Another disadvantage of this analytical approach is a lack of focus on the quantitative data and therefore, a lack of understanding of how the policy formulation manifests practically. Furthermore, the main documents analysed were the Constitution, its amendments and office memorandums. This was mainly because there was a lack of access to specific policy documents if they exist. Although several government websites were utilised, they were not highly informational. Therefore, the analysis is mainly based on the Constitution, along with historical accounts and previous scholarly research. This is a limitation as other documents that I was unable to procure could point to different analytical points.

Despite the limitations of this thesis, the analytical findings have provided an answer to the research question, which is recounted above. Although there have been several studies on Reservation, I failed to find any that outline and explain the change in the Reservation policy with reference to policy analysis. Therefore, this thesis adds to academic discourse by explaining and analysing the continuity and change in Reservation, with specific reference to public policy analysis and an institutionalist explanation.

To conclude on the findings of this thesis, the policy of Reservation has been changed through its extension from 1960 - 2030, and new categories and public management have been formed. However, the idea, instruments and goals of the policy have remained the same; to combat the caste system through the representation of disadvantaged groups.

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